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TITLE 3—THE PRESIDENT

PROCLAMATION 3140

CARRYING OUT THE SIXTH PROTOCOL OF SUPPLEMENTARY CONCESSIONS TO THE GENERAL AGREEMENT ON TARIFFS AND TRADE AND FOR OTHER PURPOSES

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

1. WHEREAS, pursuant to the authority vested in the President by the Constitution and the statutes, including section 350 of the Tariff Act of 1930, as amended (48 Stat. (pt. 1) 943, ch. 474, 57 Stat. (pt. 1) 125, ch. 118, 59 Stat. (pt. 1) 410, ch. 269), on October 30, 1947, he entered into a trade agreement with certain foreign countries, which trade agreement consists of the General Agreement on Tariffs and Trade (hereinafter referred to as "the General Agreement"), including a schedule of United States concessions (hereinafter referred to as "Schedule XX (Geneva—1947)"; and the Protocol of Provisional Application of the General Agreement on Tariffs and Trade, together with a Final Act (61 Stat. (pts. 5 and 6) A7, A11, and A2050);

2. WHEREAS the trade agreement specified in the first recital of this proclamation has been supplemented by several subsequent agreements, including:

(a) The Protocol Modifying Part I and Article XXIX of the General Agreement on Tariffs and Trade, of September 14, 1948, (3 UST (pt. 4) 5355),

(b) The Annex Protocol of Terms of Accession to the General Agreement on Tariffs and Trade, of October 10, 1949, (64 Stat. (pt. 3) B139), including a supplemental schedule of United States concessions (hereinafter referred to as "Schedule XX (Annex—1949)");

(c) The Torquay Protocol to the General Agreement on Tariffs and Trade, of April 21, 1951, (3 UST (pts. 1 and 2) 815 and 1841), including a supplemental schedule of United States concessions (hereinafter referred to as "Schedule XX (Torquay—1951)");

(d) The Declaration on the Continued Application of Schedules to the General Agreement on Tariffs and Trade, of March 10, 1955, (TIAS 3437), and

(e) The Protocol of Terms of Accession of Japan to the General Agreement on Tariffs and Trade, of June 7, 1955, (TIAS 3438), including a supplemental schedule of United States concessions;

3. WHEREAS by the following proclamations the President has proclaimed such modifications of existing duties and other import restrictions of the United States, or such continuance of existing customs or excise treatment of articles imported into the United States as were found to be required or appropriate to carry out the trade agreement specified in the first recital of this proclamation or agreements supplemental thereto, or has terminated in whole or in part proclamations specified in this recital:

Proclamation 2761A, of December 16, 1947, (61 Stat. (pt. 2) 1103), Proclamation 2769, of January 30, 1948, (62 Stat. (pt. 2) 1479), Proclamation 2782, of April 22, 1948, (62 Stat. (pt. 2) 1500), Proclamation 2784, of May 4, 1948, (62 Stat. (pt. 2) 1505), Proclamation 2790, of June 11, 1948, (62 Stat. (pt. 2) 1515), Proclamation 2791, of June 12, 1948, (62 Stat. (pt. 2) 1519), Proclamation 2792, of June 25, 1948, (62 Stat. (pt. 2) 1520), Proclamation 2798, of July 15, 1948, (62 Stat. (pt. 2) 1528), Proclamation 2809, of September 7, 1948, (62 Stat. (pt. 2) 1553), Proclamation 2829, of March 8, 1949, (63 Stat. (pt. 1) 1261), Proclamation 2865, of November 30, 1949, (64 Stat. (pt. 2) A376), Proclamation 2867, of December 22, 1949, (64 Stat. (pt. 2) A380), Proclamation 2874, of March 1, 1950, (64 Stat. (pt. 2) A390), Proclamation 2884, of April 27, 1950, (64 Stat. (pt. 2) A399), Proclamation 2888, of May 13, 1950, (64 Stat. (pt. 2) A405), Proclamation 2895, of June 17, 1950, (64 Stat. (pt. 2) A416), Proclamation 2901, of September 6, 1950, (64 Stat. (pt. 2) A427), Proclamation 2908, of October 12, 1950, (64 Stat. (pt. 2) A443), Proclamation 2912, of October 30, 1950, (64 Stat. (pt. 2) A450), Proclamation

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FEDERAL REGISTER

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CFR SUPPLEMENTS

(As of January 1, 1956)

The following Supplement is now available:

Title 39 (Rev., 1955) (\$4.25)

Previously announced: Title 3, 1955 Supp. (\$2.00); Titles 4 and 5 (\$1.00); Title 7: Parts 1-209 (\$1.25), Parts 900-959 (Rev., 1955) (\$6.00), Part 960 to end (Rev., 1955) with Supplement (\$5.85); Title 8 (\$0.50); Title 9 (\$0.70); Titles 10-13 (\$0.70); Title 14: Parts 1-399 (\$2.50), Part 400 to end (\$1.00); Title 15 (\$1.00); Title 16 (\$1.25); Title 17 (\$0.60); Title 18 (\$0.50); Title 19 (\$0.50); Title 20 (\$1.00); Title 21 (Rev., 1955) (\$5.50); Titles 22 and 23 (\$1.00); Title 24 (\$0.75); Title 25 (\$0.50); Title 26: Parts 1-79 (\$0.35), Parts 80-169 (\$0.50), Parts 170-182 (\$0.30), Parts 183-299 (\$0.35), Part 300 to end, Ch. I, and Title 27 (\$1.00); Titles 28 and 29 (\$1.25); Titles 30 and 31 (\$1.25); Title 32: Parts 1-399 (\$0.60), Parts 400-699 (\$0.65), Parts 700-799 (\$0.35), Parts 800-1099 (\$0.40), Part 1100 to end (\$0.35); Title 32A (Rev., 1955) (\$1.25); Title 33 (\$1.50); Titles 35-37 (\$1.00); Titles 40-42 (\$0.65); Title 43 (\$0.50); Title 46: Parts 1-145 (\$0.60), Part 146 to end (\$1.25); Title 49: Parts 1-70 (\$0.60), Parts 71-90 (\$1.00), Parts 91-164 (\$0.50), Part 165 to end (\$0.65)

Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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4. WHEREAS I have found as a fact that certain existing duties and other import restrictions of the United States of America and of Australia, the Republic of Austria, the Kingdom of Belgium, Canada, the Republic of Chile, the Republic of Cuba, the Kingdom of Denmark, the Dominican Republic, the

Republic of Finland, the French Republic, the Federal Republic of Germany, the Republic of Haiti, the Republic of Italy, Japan, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Kingdom of Norway, Peru, the Kingdom of Sweden, the Republic of Turkey, and the United Kingdom of Great Britain and Northern Ireland, all being contracting parties to the General Agreement, are unduly burdening and restricting the foreign trade of the United States of America and that the purposes declared in section 350 of the Tariff Act of 1930, as amended, will be promoted by a trade agreement between the Government of the United States of America and the Governments of some or all of the other countries referred to in this recital;

5. WHEREAS, pursuant to section 3 (a) of the Trade Agreements Extension Act of 1951 (65 Stat. 72, ch. 141), I transmitted to the United States Tariff Commission for investigation and report lists of all articles imported into the United States of America to be considered for possible modification of duties and other import restrictions, imposition of additional import restrictions, or continuance of existing customs or excise treatment in the trade agreement negotiations with the governments of the foreign countries referred to in the fourth recital of this proclamation, and the Tariff Commission made an investigation in accordance with section 3 of the said Trade Agreements Extension Act and thereafter reported to me its determinations made pursuant to the said section within the time period specified in the said section 3;

6. WHEREAS reasonable public notice of the intention to conduct trade agreement negotiations was given, the views presented by persons interested in such negotiations were received and considered, and information and advice with respect to such negotiations were sought and obtained from the Departments of State, Agriculture, Commerce, and Defense, and from other sources;

7. WHEREAS, the period for the exercise of the authority of the President to enter into foreign trade agreements under section 350 of the Tariff Act of 1930, as amended, having been extended by section 2 of the Trade Agreements Extension Act of 1955 (69 Stat. 162, ch. 169) from June 12, 1955, until the close of June 30, 1958, on May 23, 1956, as a result of the finding specified in the fourth recital of this proclamation, I entered, through my duly empowered plenipotentiary, into a trade agreement providing for the application of the relevant provisions of the General Agreement to additional schedules of tariff concessions relating to the countries named in the said fourth recital of this proclamation, which trade agreement consists of the Sixth Protocol of Supplementary Concessions to the General Agreement on Tariffs and Trade, dated May 23, 1956, including the Annex thereto containing a supplemental schedule of United States concessions (hereinafter referred to as "Schedule XX (Geneva-1956)"), and which trade agreement is authentic in

the English and French languages as indicated therein, and a copy of which in the English language is annexed to this proclamation;

8. WHEREAS, the Protocol of Supplementary Concessions specified in the seventh recital of this proclamation having been signed on behalf of the Government of the United States of America on May 23, 1956, and the notification of the intention to apply the concessions provided for in Schedule XX (Geneva-1956) having been given on May 31, 1956, to the Executive Secretary to the Contracting Parties to the General Agreement pursuant to paragraph 2 of the said Protocol of Supplementary Concessions, the said Schedule XX (Geneva-1956) will become a schedule to the said General Agreement relating to the United States of America on June 30, 1956, and the concessions provided for in the said Schedule XX (Geneva-1956) shall then enter into force as specified therein;

9. WHEREAS, under the authority of subsection (a) (3) (D) of section 350 of the Tariff Act of 1930, as amended, and of subsection (b) (2) thereof by reference to that subsection, I have determined, in the case of those modifications of existing duties proclaimed in Parts I (a) and II (a) of this proclamation which reflect decreases in duties exceeding the limitations specified in subsection (a) (2) (D) or (a) (3) (B) of the said section 350, or in subsection (b) (2) thereof by reference to those subsections, that such decreases will simplify the computation of the amount of duty imposed with respect to the articles concerned;

10. WHEREAS I have made the determinations regarding the ad valorem equivalent of specific rates of duty (and combinations of rates including a specific rate) and regarding representative periods, under the authority of subsection (a) (2) (D) (ii) of section 350 of the Tariff Act of 1930, as amended, and of subsections (a) (3) (D) and (b) (2) thereof by reference, directly or indirectly, to the said subsection (a) (2) (D) (ii), in the case of each modification of existing duties proclaimed in this proclamation for which such a determination was relevant, using, to the maximum extent practicable, the standards of valuation contained in section 402 of the said Tariff Act of 1930;

11. WHEREAS I find that each modification of existing duties and other import restrictions of the United States of America and each continuance of existing customs or excise treatment of arti-

cles imported into the United States of America which is proclaimed in Part I (a) of this proclamation will be required or appropriate, on and after the date specified in the said Part, to carry out the trade agreement specified in the seventh recital of this proclamation;

12. WHEREAS, pursuant to the authority vested in the President by the Constitution and the statutes, including section 350 of the Tariff Act of 1930, as amended in the manner referred to in the first recital of this proclamation, on October 30, 1947, he entered into an exclusive trade agreement with the Government of the Republic of Cuba (61 Stat. (pt. 4) 3699), which exclusive trade agreement includes certain portions of other documents made a part thereof and provides for the treatment in respect of ordinary customs duties of products of the Republic of Cuba imported into the United States of America;

13. WHEREAS by the following proclamations the President has proclaimed, in respect of products of the Republic of Cuba, such modifications of existing duties and other import restrictions of the United States, or such additional import restrictions of the United States, or such continuance of existing customs or excise treatment of articles imported into the United States as were found to be required or appropriate to carry out the exclusive trade agreement specified in the twelfth recital of this proclamation, or has terminated in whole or in part proclamations specified in this recital:

Proclamation 2764, of January 1, 1948, (62 Stat. (pt. 2) 1465), Proclamation 2946, of October 4, 1951, (65 Stat. C39), Proclamation 3099, of June 25, 1955, (69 Stat. C36), and the proclamations of January 30, 1948, April 22, 1948, May 4, 1948, June 11, 1948, June 25, 1948, July 15, 1948, March 8, 1949, November 30, 1949, December 22, 1949, March 1, 1950, April 27, 1950, May 13, 1950, September 6, 1950, October 12, 1950, June 2, 1951, December 24, 1953, and July 22, 1955, specified in the third recital of this proclamation;

14. WHEREAS Part II of Schedule XX (Geneva-1947), which was made a part of the exclusive trade agreement specified in the twelfth recital of this proclamation, is supplemented by Part II of the Schedule XX (Geneva-1956), and I determine that it is required or appropriate, on and after the date specified in Part II (a) of this proclamation, to carry out the said exclusive trade agreement that Part II of the said Schedule XX (Geneva-1947) be applied as supplemented by the said Part II of Schedule XX (Geneva-1956);

15. WHEREAS I determine that, in view of the finding set forth in the eleventh recital of this proclamation, it will not be required or appropriate to carry out the exclusive trade agreement specified in the twelfth recital of this proclamation on and after June 30, 1956, to include the items identified below in this recital in the list set forth in the sixteenth recital of the proclamation of July 22, 1955, specified in the third recital of this proclamation:

¹ Not printed in the FEDERAL REGISTER. The text of the protocol is being published at Geneva, Switzerland, by the Contracting Parties to the General Agreement on Tariffs and Trade, in separate volumes in English and French. The title of the English volume is "General Agreement on Tariffs and Trade: Sixth Protocol of Supplementary Concessions". The English text of Schedule XX (United States of America) is being reproduced in Treasury Decisions (Customs). The text in languages in which authentic, together with an English translation of those portions authentic in French only, will be published in Treaties and Other International Acts Series and in the bound volumes of United States Treaties and Other International Agreements.

Items in the 16th recital of the Proclamation of July 22, 1955 to be deleted effective June 30, 1956

411
717 (c)
772
778
802
1530 (e)
1541 (a):

16. WHEREAS, in view of the amendment of Article I of the General Agreement by section A (iii) of paragraph 1 of the Protocol Modifying Part I and Article XXIX of the said General Agreement specified in the second recital of this proclamation, of the inclusion of certain products in Part I of Schedule XX (Torquay—1951) and in Part I of Schedule XX (Geneva—1956), and of the inclusion of item 774 in Part II of Schedule XX (Geneva—1956), it is required or appropriate that, effective June 30, 1956, the references to Article I of the said General Agreement in the sixth and seventh recitals of the proclamation of January 30, 1948, specified in the third recital of this proclamation be amended to refer to the fourth instead of the third paragraph of the said Article I, and that the list set forth in the seventh recital of the said proclamation of January 30, 1948, as amended, be further amended to read as follows:

Tariff Act of 1930, paragraph	Description of Products	Rate of Duty
408	Bones, barrels, and other articles containing oranges, lemons, limes, grapefruit, shaddock or pomelos.	12½% ad val.
743	Grapefruit:	
	When entered during the period from August 1 to September 30, inclusive, in any year.	12½% ad val.
	When entered during the month of October in any year.	11½% per lb.
743	Limes, in their natural state, or in brine.	9½% per lb.
747	Pineapples, not in crates and not in bulk.	18% per lb.
752	Watermelons, in their natural state, not specially provided for.	27¢ per crate of 24 ea. fl.
765	Beans, not specially provided for:	20% ad val.
	Green or unripe:	
	When entered during the period from December 1 in any year to the following May 31, inclusive.	21½% per lb.
	When entered during the month of November in any year.	21½% per lb.
772	Tomatoes in their natural state:	
	When entered during the period from March 1 to July 14, inclusive, or during the period from September 1 to November 14, inclusive, in any year.	21½% per lb.
	When entered during the period from November 15, in any year, to the last day of the following February, inclusive.	11½% per lb.
774	Vegetables in their natural state:	
	Cauliflowers, when entered during the period from December 1, in any year, to the last day of the following February, inclusive.	21½% per lb.
	Squash:	11½% per lb.
774	Eggplant in their natural state, when entered during the period from December 1 in any year to the following March 31, inclusive:	
	When the rate applied to the product of Cuba is 0.57 cent per pound.	11½% per lb.
	When the rate applied to the product of Cuba is 0.54 cent per pound.	11½% per lb.
	When the rate applied to the product of Cuba is 0.53 cent per pound.	11½% per lb.
775	Pimientos, packed in brine or in oil, or prepared or preserved in any manner.	41¢ per lb.
802	Ethyl alcohol for beverage purposes.	\$2.55 per proof gal.
1005(A) (1)	Cordons, including cables, twisted or untwisted, composed of three or more strands, each strand composed of two or more yarns:	
	Woolly or in chief value of hosiery:	14 per lb. and 7½% ad val.
	Smaller than ¾ inch in diameter.	3¢ per lb.
	Other:	
1695	Labels, flags, and other bands, composed wholly or in chief value of paper lithographically printed in whole or in part from stone, gelatin, metal, or other material, but not printed in whole or in part in metal lead and not specially provided for (except labels and flags not exceeding 10 square inches cutting size in dimensions, if embossed or die-cut):	
	Printed in less than eight colors (because printing to be counted as two colors):	21¢ per lb.
	Labels and flags:	31¢ per lb.
	Cigar bands:	28¢ per lb.
	Printed in eight or more colors (because printing to be counted as two colors):	31¢ per lb.
	Labels and flags:	31¢ per lb.
	Cigar bands:	28¢ per lb.
	Barbara Rose and Yacht Club Boat	14% ad val.

17. WHEREAS, agreement for such XX (Annex—1949) be applied as withdrawal and modifications having through item 502 (first) were withdrawn therefrom, and that the value-bracket of the General Agreement, and pursuant to the procedures provided for in paragraph 1 (b) of the Declaration on the Continued Application of the Schedules to the said General Agreement specified in the second recital of this proclamation, I determine that it is required or appropriate to carry out the trade agreement specified in the first recital of this proclamation that Part I of Schedule cations and items read as follows:

PART I OF SCHEDULE XX (GENEVA—1947)

Tariff Act of 1930, paragraph	Description of Products	Rate of Duty
1206 (a)	Valued at not more than \$9 per dozen.	45% ad val., but not less than \$1.35 per doz.
	Valued at more than \$9 and not more than \$12 per dozen:	
	If for men or boys.	45% ad val.
	Other.	45% ad val.
	Valued at more than \$12 and not more than \$18 per dozen:	
	If for men or boys.	47½% ad val.
	Other.	47½% ad val.
	Valued at more than \$18 and not more than \$24 per dozen:	
	If for men or boys.	49% ad val.
	Other.	49% ad val.
	Valued at more than \$24 and not more than \$30 per dozen.	49% ad val.

PART II OF SCHEDULE XX (GENEVA—1947)

502	Molasses and sugar syrups, not specially provided for and not containing soluble non-sugar solids (excluding any foreign substance that may have been added or developed in the product) equal to more than 6% of the total soluble solids.	0.33 cents per pound of total sugars.
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PART I OF SCHEDULE XX (TORQUAY—1951)

502	Molasses and sugar syrups, not specially provided for and not containing soluble non-sugar solids (excluding any foreign substance that may have been added or developed in the product) equal to more than 6% of the total soluble solids.	0.0025 cents per pound of total sugars.
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Note: This item shall be effective only during such time as Title II of the Sugar Act of 1948 or substantially equivalent legislation is in effect in the United States, whether or not the quotas, or any of them, authorized by such legislation, are being applied or are suspended.

18. WHEREAS I determine that, upon the effectiveness of the modification of the concession provided for in item 1526 (a) in Part I of Schedule XX (Geneva—1947) set forth in the seventeenth recital of this proclamation, the termination of the proclamation of December 16, 1947 specified in the third recital of this proclamation insofar as it related to a part of the said item 1526 (a), by the proclamation of October 30, 1950, specified in the said third recital of this proclamation, will no longer be in the public interest;

19. AND WHEREAS the following item was inadvertently omitted from the list set forth in the sixteenth recital of the proclamation of July 22, 1955, specified in the third recital of this proclamation, and I determine that the addition of the said item to the said list in its correct numerical order is required or approved

private to carry out the exclusive trade agreement specified in the twelfth recital of this proclamation on and after September 10, 1955:

Tariff Act of 1930, paragraph	Description of Products	Rate of Duty
207	Articles or wares not specially provided for, if composed wholly or in chief value of gold, or if plated with gold, or colored with gold lacquer, whether partly or wholly manufactured	52% ad val.

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, acting under and by virtue of the authority vested in me by the Constitution and the statutes, including section 350 of the Tariff Act of 1930, as amended, do proclaim as follows:

Part I

To the end that the trade agreement specified in the seventh recital of this proclamation may be carried out:

(a) Subject to the provisions of subdivision (b) of this Part, such modifications of existing duties and other import restrictions of the United States of America and such continuance of existing customs or excise treatment of articles imported into the United States as are specified or provided for in paragraphs 1 to 6, inclusive, of the Protocol of Supplementary Concessions specified in the said seventh recital of this proclamation and in Part I of Schedule XX (Geneva—1956) contained in the Annex thereto shall be effective as follows:

(1) The rates of duty and import tax specified in column A at the right of the respective descriptions of products in Part I of the said Schedule XX (Geneva—1956), on and after June 30, 1956;

(2) The rates of duty and import tax specified in columns B and C, respectively, at the right of the respective descriptions of products in Part I of said Schedule XX (Geneva—1956), on and after the appropriate dates determined in accordance with the provisions of paragraph 2 of the "General Notes" at the end of the said Schedule XX (Geneva—1956);

Provided, That in the case of a product which is described in both Part I and Part II of the said Schedule XX (Geneva—1956), the rate in Part I, when lower, shall be applied to the product of the Republic of Cuba.

(b) The application of the provisions of subdivision (a) of this Part and of subdivision (a) of Part II of this proclamation shall be subject to the right of withdrawal of concessions and to the other applicable terms, conditions, and qualifications set forth in paragraphs 1 to 6, inclusive, of the said Protocol of Supplementary Concessions, in Schedule XX (Geneva—1956), including the General Notes, contained in the Annex thereto, in Parts I, II, and III of the General Agreement, including any applicable amendments and rectifications thereof, and in the Protocol of Provisional Application specified in the first recital of this

proclamation, and the application of the provisions of subdivision (a) of this Part and of subdivision (a) of Part II of this proclamation shall also be subject to the exception that no rate of duty or import tax shall be applied to a particular article by virtue of this proclamation if, when the article is entered, or withdrawn from warehouse, for consumption more favorable customs treatment is prescribed for the article by any of the following then in effect:

(1) A proclamation pursuant to section 350 of the Tariff Act of 1930, as amended, but the application of such more favorable treatment shall be subject to the qualifications set forth in the third paragraph of the general notes in Schedule XX (Geneva—1956);

(2) any other proclamation, a statute, or an executive order, which proclamation, statute, or order either provides for an exemption from duty or import tax or became effective subsequent to May 23, 1956.

Part II

To the end that the exclusive trade agreement specified in the twelfth recital of this proclamation may be carried out:

(a) Subject to the qualifications and exceptions provided for in subdivision (b) of Part I of this proclamation and to the qualifications set forth in the exclusive trade agreement with the Republic of Cuba specified in the twelfth recital of this proclamation, such modifications of existing duties and other import restrictions of the United States of America in respect of products of the Republic of Cuba and such continuance of existing customs or excise treatment of products of the Republic of Cuba imported into the United States as are specified or provided for in paragraphs 1 to 6, inclusive, of the Protocol of Supplementary Concessions specified in the seventh recital of this proclamation and in Part II of Schedule XX (Geneva—1956) contained in the Annex thereto shall be effective as follows:

(1) The rates of duty and import tax specified in column A at the right of the respective descriptions of products in Part II of the said Schedule XX (Geneva—1956), on and after June 30, 1956;

(2) The rates of duty and import tax specified in columns B and C, respectively, at the right of the respective descriptions of products in Part II of said Schedule XX (Geneva—1956), on and after the appropriate dates determined in accordance with the provisions of paragraph 2 of the "General Notes" at the end of the said Schedule XX (Geneva—1956);

Provided, That in the case of a product which is described in both Part I and Part II of the said Schedule XX (Geneva—1956), the rate in Part I, when lower, shall be applied to the product of the Republic of Cuba.

(b) The list set forth in the sixteenth recital of the proclamation of July 22, 1955, specified in the third recital of this proclamation shall be amended (i) as provided in the fifteenth recital of this proclamation, effective June 30, 1956, and (ii) as provided in the nineteenth recital of this proclamation, effective September 10, 1955.

Part III

To the end that the trade agreement specified in the first recital of this proclamation may be carried out, effective June 30, 1956:

(a) The references to Article I of the General Agreement in the sixth and seventh recitals of the proclamation of January 30, 1948, specified in the third recital of this proclamation, and the list set forth in the seventh recital of the said proclamation of January 30, 1948, shall be amended as provided in the sixteenth recital of this proclamation.

(b) The value-bracket subclassifications preceding the subclassification for articles valued at more than \$30 per dozen in item 1526 (a) in Part I of Schedule XX (Geneva—1947) shall be applied as though the said subclassifications read as set forth in the said seventeenth recital of this proclamation.

(c) Item 502 [first] in Part II of Schedule XX (Geneva—1947) shall be applied as though the said item read as set forth in the seventeenth recital of this proclamation: *Provided*, That pending further proclamation by the President, the rate of duty for products described in this item testing less than 74.6 per centum total sugars shall be 0.15 cents per gallon plus 0.165 cents additional for each 1 per centum of total sugars over 48 per centum and fractions of 1 per centum in proportion.

(d) Item 502 in Part I of Schedule XX (Torquay—1951) shall be applied as though the said item read as set forth in the seventeenth recital of this proclamation: *Provided*, That pending further proclamation by the President, the rate of duty for products described in this item testing less than 56.8 per centum total sugars shall be 0.375 cents per gallon plus 0.4125 cents additional for each 1 per centum of total sugars over 48 per centum and fractions of 1 per centum in proportion.

Part IV

So much of the proclamations of December 22, 1949, and May 13, 1950, specified in the third recital of this proclamation, and of any other proclamations specified therein, which give effect to the concession provided for in item 502 [first] in Part I of Schedule XX (Annex—1949) specified in the seventeenth recital of this proclamation, and the proclamation of October 30, 1950 specified in the third and eighteenth recitals of this proclamation are terminated, effective at the close of business June 29, 1956.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 13th day of June in the year of our Lord nineteen hundred and fifty-six, [SEAL] and of the Independence of the United States of America the one hundred and eightieth.

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES,
Secretary of State.

[F. R. Doc. 56-4830: Filed, June 15, 1956; 11:29 a.m.]

RULES AND REGULATIONS

TITLE 15—COMMERCE AND FOREIGN TRADE

Subtitle A—Office of the Secretary of Commerce

PART 5—OPERATION OF VENDING STANDS

Insofar as the Administrative Procedure Act may be applicable: Because of the nature of this notice, I find, for good cause shown, that it would be impracticable and unnecessary, and no good reason would be served to give preliminary notice, engage in public rule-making procedure or postpone the effective date thereof.

The effective date of these regulations is May 7, 1956.

Sec.

5.1 Purpose.

5.2 Policy.

5.3 Assignment of functions and authorities.

5.4 Permits.

5.5 Vending machines.

5.6 Approval of regulations.

AUTHORITY: §§ 5.1 to 5.6 issued under sec. 4, 68 Stat. 663; 20 U. S. C. 107.

§ 5.1 *Purpose.* This part prescribes regulations to assure the granting of preference to blind persons licensed under the provisions of the Randolph-Sheppard Vending Stand Act (49 Stat. 1559, as amended by an act of August 3, 1954, 68 Stat. 663) for the operation of vending stands (which term as used in this part includes vending machines).

§ 5.2 *Policy.* (a) The Department adopts the Federal policy announced in the Randolph-Sheppard Vending Stand Act, as amended, to provide blind persons with remunerative employment, to enlarge the economic opportunities of the blind and to stimulate the blind to greater efforts in striving to make themselves self-supporting.

(b) It shall be the policy of the Department to authorize blind persons licensed under the provisions of the Randolph-Sheppard Vending Stand Act, as amended, to operate vending stands without any charge for space or necessary utilities on properties owned and occupied by the Department or on which the Department controls maintenance, operation, and protection.

(c) The Department will cooperate with the Department of Health, Education, and Welfare and State licensing agencies in making surveys to determine whether and where vending stands may be properly and profitably operated by licensed blind persons.

(d) The application of a State licensing agency for a permit may be denied or revoked if it is determined that the interests of the United States would be adversely affected or the Department would be unduly inconvenienced by the issuance of a permit or its continuance.

§ 5.3 *Assignment of functions and authorities.* (a) The Director, Office of Administrative Operations, shall carry out the Department's responsibility to provide, in accordance with applicable law and regulation, the maximum opportunity for qualified blind persons to operate vending stands.

(b) Subject to instructions issued by the Director, Office of Administrative Operations, the head of each primary organization unit shall be responsible for implementing this program within his area.

(c) The Director, Office of Administrative Operations for the primary organization units located in the main Commerce building and the head of each other primary organization unit will make the final determination with respect to the terms of permits including the location and operation of vending stands and machines in their respective areas.

(d) Unresolved differences and significant violations of the terms of permits shall be reported to the State licensing agency. Where no corrective action is forthcoming, the matter shall be referred to the Office of Vocational Rehabilitation, Department of Health, Education, and Welfare for consideration prior to final decision.

§ 5.4 *Permits.* (a) No permit, lease, or other arrangement for the operation of a vending stand on property under control of the Department shall be entered into or renewed without first consulting the State licensing agency or equivalent authority.

(b) The permit shall be conditioned upon the vending stand meeting specified standards, including standards relating to appearance, safety, sanitation, maintenance, and efficiency of operation. Due regard shall be given to laws and regulations for the public welfare which are applicable, or would be applicable, if the property involved was not owned or controlled by the Federal Government.

(c) The permit shall specify the types of articles specified in section 2 (a) (4) of the act as amended (newspapers, periodicals, confections, tobacco products, articles dispensed automatically or in containers or wrappings in which they are placed before delivery to the vending stand). Such other related articles as the State licensing agency asks to be included shall be permitted to be sold, unless such factors as inadequacy of available facilities, safety, health, public welfare, or legal requirements demand otherwise.

(d) The permit shall contain a provision that alterations made by other than the United States shall be approved by and conducted under the supervision of an appropriate official of the Department or the primary organization unit concerned.

(e) The permit may contain other reasonable conditions necessary for the protection of the Government and prospective patrons of the stand.

(f) The permit shall describe the location of the stand proper and the location of any vending machines which are operated in conjunction with it.

§ 5.5 *Vending machines.* (a) The income from any vending machines which are located within reasonable proximity to and are in direct competition with a vending stand for which a permit has been issued under this part shall be assigned to the operator of such stand.

(b) If a vending machine vends articles of a type authorized by the permit and is so located that it attracts customers who would otherwise patronize the vending stand, such machine shall be deemed to be in reasonable proximity to and direct competition with the stand.

§ 5.6 *Approval of regulations.* The provisions of this part have been approved by the Director, Bureau of the Budget pursuant to Executive Order No. 10604, signed on April 22, 1955.

[SEAL]

W. M. MARTIN,

Director,

Office of Administrative Operations.

Approved:

GEO. T. MOORE,

Assistant Secretary for Administration.

[F. R. Doc. 56-4808; Filed, June 15, 1956; 9:04 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 200]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

PROCEDURE ALTERATIONS

The standard instrument approach procedure alterations appearing herein after are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

NOTE: Where the general classification (LFR, VAR, ADP, ILS, GCA, or VOR), location, and procedure number (if any) of any procedure in the amendments which follow, are identical with an existing procedure, that procedure is to be substituted for the existing one, as of the effective date given, to the extent that it differs from the existing procedure; where a procedure is canceled, the existing procedure is revoked; new procedures are to be placed in appropriate alphabetical sequence within the section amended.

1. The low frequency range procedures prescribed in § 609.6 are amended to read in part:

L.F. STANDARD INSTRUMENT APPROACH PROCEDURES

Readings, headings, and courses are magnetic. Distances are in nautical miles unless otherwise indicated, except visibility which are in statute miles. Elevations and altitudes are in feet, MSL. Callings are in feet above airport elevation. If an L.F. instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aviation. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for an instrument approach in the particular area or as set forth below.

City and State; airport name, elevation; facility class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance to facility to airport	Ceiling and visibility minimums			If visual contact not established at authorized minimums after passing facility within distance specified or if landing not accomplished
							Condition	2 engines or less	More than 2 engines; more than 65 knots	
1	2	3	4	5	6	7	8	9	10	11
DETROIT, MICH. Detroit City, 627. SRRAL-T-QG. Procedure No. 1. Effective date: July 14, 1956. Supersedes Amendment 4, dated March 22, 1955. Major changes: (1) Transition added QG-VOR, deleted all other transitions as airways go over facility; (2) revise column 5 and 6; (3) visibility revised column 8; (4) column 12 revised; (5) revise to new form.	Windsor VOR.....	061-3.0	2,000	E side of course: 14° outbound, 22° inbound, 2,000' within 10 miles.	1,500	229-7.8	T-dn C-dn A-dn	*300-1 800-1 800-2	*300-1 800-1 800-2	*300-1 800-1 800-2
DETROIT, MICH. Detroit City, 627. SRRAL-T-QG. Procedure No. 2. Effective date: July 14, 1956. Supersedes Amendment 2, dated Mar. 22, 1955. Major changes: (1) Revert to new form; (2) add transition from QG-VOR; (3) procedure turn revised to E; (4) column 10 visibility revised; (5) column 12 revised.	Salem VOR to #Warren Intersection. Pontiac Intersection to #Warren Intersection. Windsor VOR to #Warren Intersection.	182-23.0 149-9.5 143-12.5	2,700 Final 1,800 2,300	E side of course: 229° outbound, 149° inbound, 2,300' within 10 miles. All turns will be made on E side of course. High obstructions W side of course.	#Warren Intersection 1,800	#Warren Intersection to airport 149-4.5	T-dn C-dn A-dn	*300-1 200-1 800-2	*300-1 200-1 800-2	Within 4.5 miles, climb to 2,300', proceed to QG-VOR or when directed by ATIS: (1) Make left turn climbing to 2,300'. Proceed back to #Warren Intersection. *300-1 takeoff authorized on runway 33 only. Air Cautions Note: Sliding scale not applicable. Detroit Radio beacon 23 miles SE Detroit City Airport.
LOS ANGELES, CALIF. International 127. SRRAL-DTXV-LAX. Procedure No. 1. Effective date: July 14, 1956. Supersedes Amendment 5, dated March 28, 1956. Major changes: Nautical miles; change ceiling for 2-engine or less aircraft (less than 60 knots) to 300' because of obstruction.	Hollywood Hills FM..... Downey FM/Radiobeacon (final). Los Angeles LOM (final)..... San Pedro Intersection..... Radio vectoring to final approach course authorized.	143-11.5 253-9.5 253-1.7 240-21.0	2,000 1,500 1,000 2,000	S side of E course: 63° outbound, 253° inbound, 2,000' within 9 miles (E of Downey Radiobeacon not authorized) for better terrain.	*1,000	245-3.4	T-dn C-dn S-dn Runway 35 L/R A-dn	300-1 800-1 400-1 800-2	300-1 600-1 400-1 800-2	Within 2.4 miles, climb to 2,000' on W. course within 25 miles. *Maintain 1,500' until over LAX LOM inbound.

2. The high frequency visual aural range (VAR) procedures prescribed in § 609.7 are amended to read in part:

VAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. If a VAR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name; elevation; facility; class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting dis- tances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums				If visual contact not established at authorized minimums after passing facility within distance specified, or if landing not accomplished
							Condition	2 engines or less		More than 2 engines	
								60 knots or less	More than 60 knots		
1	2	3	4	5	6	7	8	9	10	11	12

HICKORY, N. C.
Municipal, L187,
HXY-VAR,
Procedure No. 1,
Amendment No. 4,
Effective date: February 2,
1953.

PROCEDURE CANCELED MAY 16, 1956. FACILITY UNUSABLE.

3. The automatic direction finding procedures prescribed in § 609.8 are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. If an ADF instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums				If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
							Condition	2 engines or less		More than 2 engines (more than 65 knots)	
								65 knots or less	More than 65 knots		
1	2	3	4	5	6	7	8	9	10	11	12
DETROIT, MICH. Detroit City, 626, ME-DET, 608, Procedure No. 1, Amendment No. 5, Effective date: July 14, 1954, Supersedes Amendment 4, dated March 22, 1953. Major changes: (1) Transition added from QG VOR (new facility); (2) deleted transition SVM VOR and Warren Intersection; (3) revised altitude and distance (criteria) column 2; (4) revised altitude (criteria) column 6; (5) visibility minimums lowered to 1 mile, column 12; (6) column 12 revised.	RML LFR.....	008-21.0	2,000	E side of course; 146° outbound, 325° inbound, 2,000' within 10 miles.	1,500	325-2.3	T-dn C-dn A-dn	*500-1 500-1 700-1 800-2	*500-1 500-1 700-1 800-2	*500-1 700-1 800-2	Within 2.3 miles, climb to 2,300' on track of 325° to Warren Intersection. *300-1 takeoff authorized runway 33 only. Air Canada Note: Sliding scale not authorized.
	Windsor LFR.....	325-3.5	Final 1,500								
	QG VOR.....	327-4.0	2,300								

6. The ground controlled approach procedures prescribed in § 609.13 are intended to read in part:

GCA STANDARD INSTRUMENT APPROACH PROCEDURES

Headings, bearings, and courses are magnetic. Note: Distances are in nautical miles unless otherwise indicated, except visibility which are in statute miles. Elevations and altitudes are in feet, MSL. Ceiling are in feet above airport elevation. If a GCA instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall be made over specified routes. Minimum altitudes shall be made over specified routes. Positive identification must be established with the radar controller. From initial contact with GCA to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach. Except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a PAR approach, or for more than 30 seconds during an ASR approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

City and State; airport name; airport elevation; effective date	1	2	Runway No.	Condition	Ceiling and visibility minimums						Missed approach procedure
					Precision approach (PAR)		Surveillance approach (ASR)				
					2 engines or less	More than 2 engines	2 engines or less	More than 2 engines	2 engines or less	More than 2 engines	
LOS ANGELES, CALIF. Procedure No. 1 Amendment No. 9 Effective date: July 14, 1956. Supersedes Amendment 8, dated March 28, 1956. Major changes: Change 2-engines or less aircraft (65 knots or less) circling ceiling to 300' because of obstructions.	1	All bearings are to the radar with sector altitudes progressing clockwise. Within 5 miles: 145°-194°-1,700'. 165°-194°-1,300'. Within 10 miles: 145°-194°-2,000'. 145°-220°-1,300'. 221°-300°-1,300'. 331°-300°-2,000'. 001°-090°-1,300'. 001°-164°-2,300'. Within 15 miles: 001°-135°-3,300'. 135°-194°-3,000'. 195°-280°-2,000'. 241°-314°-1,300'. 315°-300°-2,300'. 001°-090°-1,300'. Within 20 miles: 001°-220°-3,000'. 221°-090°-3,000'. Within 25 miles: 001°-164°-3,000'. 145°-220°-2,300'. 221°-264°-3,300'. 265°-314°-3,000'. 315°-300°-4,000'. 001°-090°-4,000'. Sectors are from airport: 0°-90° 2,800', 90°-180° 2,300', 180°-270° 2,800', 270°-360° 2,300' within 30 miles.	3	4	5	6	7	8	9	10	
			PAR 25L.....	T-dm C-dm	300-1 400-1	300-1 600-1	200-15 600-15	300-1 600-1	200-15 600-15	200-15 600-15	
			ASR 25L, 253L, 71L, 7R	S-dm A-dm	200-15 600-2	200-15 600-2	200-15 600-2	400-1 800-2	600-15 800-2	600-15 800-2	
OKLAHOMA CITY, OKLA. Will Rogers Field, 1,280'. Procedure No. 1. Amendment—Original. Effective date: July 14, 1956.	1	Sectors are from airport: 0°-90° 2,800', 90°-180° 2,300', 180°-270° 2,800', 270°-360° 2,300' within 30 miles.	All.....	T-dm				300-1	300-1	*200-15	
			All.....	C-dm				400-1	300-1	300-15	
			17, 35.....	S-dm				400-1	400-1	400-1	
			All.....	A-dm				800-2	800-2	800-2	
Runway 17: Climb to 2,300' on 170° course from Tullock Radio beacon or 5 course ILS within 20 miles. Runway 35: Climb to 2,100' on course of 350° from LOM or N course ILS within 20 miles, or when directed by ATIS. Runway 17, 35: Proceed to VOR, climbing to 2,300' or climb to 2,700' on E course ILS within 20 miles. *300-1 required on runways 8-26.											

These procedures shall become effective on the dates indicated on the procedures.

(Sec. 203, 52 Stat. 964, as amended; 49 U. S. C. 423. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551.)

[SEAL]

[F. R. Doc. 56-4683; Filed, June 15, 1956; 11:06 a. m.]

JAMES T. PYLE,
Acting Administrator of Civil Aeronautics.

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases, and Other Operations

[1956 C. C. C. Grain Price Support Bulletin 1, Supp. 1, Grain Sorghums]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1956 CROP GRAIN SORGHUMS LOAN AND PURCHASE AGREEMENT PROGRAM

A price support program has been announced for the 1956 crop of grain sorghums. The 1956 C. C. C. Grain Price Support Bulletin 1 (21 F. R. 3997), issued by the Commodity Credit Corporation and containing the regulations of a general nature with respect to price support operations for grains and certain other commodities produced in 1956 is supplemented as follows:

Sec.

- 421.1826 Purpose.
- 421.1827 Availability of price support.
- 421.1828 Eligible grain sorghums.
- 421.1829 Warehouse receipts.
- 421.1830 Determination of quantity.
- 421.1831 Determination of quality.
- 421.1832 Maturity of loans.
- 421.1833 Determination of support rates.
- 421.1834 Warehouse charges.
- 421.1835 Settlement.

AUTHORITY: §§ 421.1826 to 421.1835 issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072; secs. 301, 401, 63 Stat. 1053; 15 U. S. C. 714; 7 U. S. C. 1447, 1421.

§ 421.1826 *Purpose.* Sections 421.1826 to 421.1835 state additional specific regulations which, together with the general regulations contained in the 1956 C. C. C. Grain Price Support Bulletin 1, (§§ 421.1801 to 421.1822), apply to loans and purchase agreements under the 1956-Crop Grain Sorghums Price Support Program.

§ 421.1827 *Availability of price support—(a) Method of support.* Price support will be made available through farm-storage and warehouse-storage loans and through purchase agreements.

(b) *Area.* Farm-storage and warehouse-storage loans and purchase agreements will be available wherever grain sorghums are grown in the continental United States, except that farm-storage loans will not be available in areas where the State committee determines that grain sorghums cannot be safely stored on the farm.

(c) *Where to apply.* Application for price support should be made at the office of the county committee which keeps the farm-program records for the farm.

(d) *When to apply.* Loans and purchase agreements will be available from the time of harvest through January 31, 1957, and the applicable documents must be signed by the producer and delivered to the county committee not later than such date. Applicable documents include the Producer's Note and Loan Agreement for warehouse-storage loans, the Producer's Note and Supplemental Loan Agreement and the Commodity Chattel Mortgage for farm-storage loans,

and the Purchase Agreement for purchase agreements.

(e) *Eligible producer.* An eligible producer shall be an individual, partnership, association, corporation, estate, trust, or other business enterprise, or legal entity, and wherever applicable, a State, political subdivision of a State, or any agency thereof producing grain sorghums in 1956 as landowner, landlord, tenant, or sharecropper. Two or more eligible producers may obtain a joint loan on eligible grain sorghums harvested by them if stored in the same farm-storage facility. In the case of joint loans, each person signing the note shall be held jointly and severally responsible for the loan. Where the county office has experienced difficulties in settling farm-storage loans with a producer, the county committee shall determine that he is not eligible for a farm-storage loan. He shall be eligible, however, to obtain a warehouse-storage loan or sign a purchase agreement.

§ 421.1828 *Eligible grain sorghums.* Grain sorghums, to be eligible for price support, must meet all of the applicable requirements set forth in this section.

(a) The grain sorghums must have been produced in the continental United States in 1956 by an eligible producer.

(b) At the time the grain sorghums are placed under loan or delivered under a purchase agreement:

(1) The beneficial interest in the grain sorghums must be in the person tendering the grain sorghums for loan or for delivery under a purchase agreement, and must always have been in him, or must have been in him and a former producer whom he succeeded before the grain sorghums were harvested.

(2) To meet the requirements of succession to a former producer, the rights, responsibilities and interest of the former producer with respect to the farming unit on which the grain sorghums were produced shall have been substantially assumed by the person claiming succession. Mere purchase of the crop prior to harvest, without acquisition of any additional interest in the farming unit, shall not constitute succession. The county committee shall determine whether the requirements with respect to succession have been met.

(c) Grain sorghums, at the time they are placed under loan, and grain sorghums under purchase agreement which are in approved warehouse storage prior to notification by the producer of his intention to sell to CCC, must meet the following requirements:

(1) The grain sorghums must be of any class grading No. 4 or better, No. 4 "Smutty" or better, or No. 4 "Discolored" or better, and contain not in excess of 13 percent moisture.

(2) Grain sorghums grading "Weevily," or containing mercurial compounds or other substances poisonous to man or animals, or containing in excess of 13 percent moisture, shall not be eligible, except that grain sorghums represented by warehouse receipts which indicate that the grain sorghums are ineligible because of moisture content only, will be eligible if the warehouseman certifies on the supplemental certificate or

on a statement attached to the warehouse receipt that "the grain sorghums have been processed at the request of the eligible producer, and delivery will be made of eligible grain sorghums containing not in excess of 13 percent moisture content and no lien for processing will be claimed by the warehouseman from Commodity Credit Corporation or any subsequent holder of said warehouse receipt."

(3) If offered as security for a farm-storage loan, the grain sorghums must have been stored in the granary at least 30 days prior to inspection for measurement, sampling, and sealing, unless otherwise approved by the State Committee.

(d) Grain sorghums under purchase agreement stored in other than approved warehouse storage must, in order to be eligible for sale to CCC, meet the requirements of paragraph (c) (1) and (2) of this section on the basis of a pre-delivery inspection performed by a representative of the county committee in accordance with regulations to be subsequently issued. Grain sorghums which do not meet the requirements of paragraph (c) (1) and (2) on the basis of the pre-delivery inspection referred to above shall also be eligible for sale to CCC only if the producer complies with the conditions to be specified in § 421.1835 and the grain sorghums on the basis of the inspection made at the time of delivery meet the requirements set forth in paragraph (c) (1) and (2) of this section.

§ 421.1829 *Warehouse receipts.* Warehouse receipts, representing grain sorghums in approved warehouse storage to be placed under loan or delivered under a purchase agreement, must meet the following requirements:

(a) Warehouse receipts must be issued in the name of the producer, must be properly endorsed in blank so as to vest title in the holder and must be receipts issued on a warehouse approved by CCC under the Uniform Grain Storage Agreement which indicate that the grain sorghums are insured, or must be receipts issued on warehouses operated by Eastern common carriers under tariffs approved by the Interstate Commerce Commission for which custodian agreements are in effect.

(b) (1) Each warehouse receipt or the warehouseman's supplemental certificate (in duplicate) properly identified with the warehouse receipt must show (i) gross weight, (ii) class, (iii) grade (including special grades), (iv) test weight, (v) moisture, (vi) dockage, (vii) any other grading factor(s) when such factor(s) and not test weight, determine the grade and (viii) whether the grain sorghums arrived by rail, truck or barge. In the case of warehouse receipts issued for grain sorghums delivered by rail or barge, the grading factors on the warehouse receipt must agree with the inbound inspection certificate for the car or barge when such certificate is issued.

(2) If the warehouseman has processed the grain sorghums as provided in § 421.1828 (c) (2), the supplemental certificate must show the numerical grade and grading factors resulting from the grain sorghums being processed. When the grade and grading factors shown on

the supplemental certificate do not agree with the warehouse receipt, the factors shown on the supplemental certificate shall take precedence.

(c) A separate warehouse receipt must be submitted for each grade and class of grain sorghums.

(d) The warehouse receipt may be subject to liens for warehouse charges only to the extent indicated in § 421.1834.

(e) Warehouse receipts representing grain sorghums which have been shipped by rail or water from a country shipping point to a designated terminal point, or shipped by rail or water from a country shipping point and stored in transit to a designated terminal point must be accompanied by registered freight bills, or by a certificate containing similar information in a form prescribed by the CSS commodity office which shall be signed by the warehouseman and which may be a part of the supplemental certificate.

§ 421.1830 Determination of quantity.

(a) The quantity of grain sorghums placed under farm-storage loan may be determined either by weight or by measurement. The quantity of grain sorghums placed under a warehouse storage loan or delivered under a farm-storage loan or under a purchase agreement shall be determined by weight.

(b) When a quantity is determined by weight, a unit of 100 pounds shall be determined to be 100 pounds of grain sorghums free of dockage. In determining the quantity of sacked grain sorghums by weight, a deduction of three-fourths of a pound for each sack shall be made.

(c) When the quantity of grain sorghums is determined by measurement, 100 pounds shall be 2.25 cubic feet of grain sorghums testing 56 pounds per bushel. The quantity determined by measurement of grain sorghums having a test weight of less than 56 pounds per bushel shall be adjusted by applying the applicable percentage as shown in the following table:

For grain sorghums testing:	Percent
56 pounds or over.....	100
55 pounds or over, but less than 56 pounds.....	98
54 pounds or over, but less than 55 pounds.....	96
53 pounds or over, but less than 54 pounds.....	95
52 pounds or over, but less than 53 pounds.....	93
51 pounds or over, but less than 52 pounds.....	91
50 pounds or over, but less than 51 pounds.....	89
49 pounds or over, but less than 50 pounds.....	87

(d) The percentage of dockage shall be determined and the weight of such dockage shall be deducted from the gross weight of the grain sorghums in determining the net quantity available for loan or purchase.

§ 421.1831 Determination of quality.

The class, subclass, grade, grading factors, and all other quality factors shall be determined in accordance with the methods set forth in the Official Grain Standards of the United States for Grain Sorghums, whether or not such determinations are made on the basis of an official inspection.

§ 421.1832 Maturity of loans. Loans mature on demand but not later than March 31, 1957.

§ 421.1833 Determination of support rates. Basic support rates for grain sorghums will be set forth in 1956 C. C. C. Grain Price Support Bulletin 1, Supplement 2, Grain Sorghums. Support rates will be established for grain sorghums stored in approved warehouse storage at designated terminal markets, and for grain sorghums stored in approved country warehouses and in approved farm storage. The support rate for the quality of grain sorghums placed under loan or delivered under a purchase agreement shall be the applicable basic support rate adjusted in accordance with the provisions of this section and 1956 C. C. C. Grain Price Support Bulletin 1, Supplement 2, Grain Sorghums.

(a) Support rates at designated terminal markets. (1) Grain sorghums eligible for loan or purchase at the support rates established for designated terminal markets must have been shipped on a domestic interstate freight rate basis. On any grain sorghums shipped at other than the domestic interstate freight rate, the support rate at the designated terminal market shall be reduced by the difference between the rate of the freight paid (plus tax) and the domestic interstate freight rate (plus tax).

(2) The support rates established for designated terminal markets apply to grain sorghums which have been shipped by rail or water from a country shipping point to one of the designated terminal markets, as evidenced by paid freight bills duly registered for transit privileges: *Provided*, That in the event the amount of paid-in freight is insufficient to guarantee the minimum proportional domestic interstate freight rate from the terminal market, there shall be deducted from the applicable terminal support rate the difference between the amount of freight actually paid in and the amount required to be paid in to guarantee outbound movement at the minimum proportional domestic interstate freight rate.

(3) When shipped by rail or water and stored at any designated terminal market grain sorghums for which neither registered freight bills nor registered freight certificates are presented to guarantee outbound movement at the minimum proportional domestic interstate freight rate, shall have a support rate equal to the terminal rate minus 14 cents per 100 pounds.

(4) For grain sorghums received by truck and stored at any designated terminal market, the support rate shall be determined by making a deduction from the terminal rate as follows:

Terminal market:	Amount of deduction (cents per 100 pounds)
Los Angeles, Calif., San Francisco, Calif.....	22
Omaha, Nebr., Sioux City, Iowa, Kansas City, Mo., St. Louis, Mo., Saint Joseph, Mo.....	23
Corpus Christi, Tex., Galveston, Tex., Houston, Tex., Port Arthur, Tex., New Orleans, La., Memphis, Tenn.....	25

(b) Support rates for grain sorghums in approved warehouse storage at other than designated terminal markets. (1) Except for grain sorghums stored in New Mexico, the support rates for grain sorghums stored in approved warehouses (other than those situated in the designated terminal markets) which are shipped by rail or water, shall be determined by deducting from the appropriate designated terminal market rate an amount equal to the transit balance, if any (plus tax) of the through-freight rate from point of origin for such grain sorghums to such terminal market: *Provided*, That on any grain sorghums shipped at other than the domestic interstate freight rate, the support rate shall be further reduced by the difference between the rate of freight paid (plus tax) and the domestic interstate freight rate (plus tax) from the point of origin of such grain sorghums to the point of storage: *And provided further*, That in the case of grain sorghums stored at any railroad transit point taking a penalty by reason of out-of-line movement, or for any other reason to the appropriate designated market, there shall be added to such transit balance an amount equal to any out-of-line costs or other costs incurred in storing grain sorghums in such position.

(2) In the State of New Mexico, the CSS commodity office shall upon request of the county committee, determine the support rate for grain sorghums stored in approved warehouses (except those situated at designated terminal markets) which were shipped by rail in the movement of natural market direction as approved by CCC, by adding to the county rate for the county from which the grain sorghums were shipped an amount per 100 pounds equal to the receiving and loading-out charges computed in accordance with the applicable rates of the Uniform Grain Storage Agreement for the 1956 crop and an amount equal to the transit value of the freight paid (plus tax) from points of origin to markets designated by CCC. The warehouse receipts must be accompanied by the original paid freight bills or a certificate signed by the warehouseman as set forth in § 421.1829 (e). If the grain sorghums are stored in approved warehouses located at transit points, taking a penalty by reason of backhaul, or out-of-line of normal market movements, such penalty or other costs by reason of such movement, as determined by CCC shall be deducted from the support rates as determined in this paragraph.

(c) Discounts. The basic support rates shall be adjusted by all applicable discounts listed in 1956 CCC Grain Price Support Bulletin 1, Supplement 2, Grain Sorghums.

§ 421.1834 Warehouse charges. (a) Warehouse receipts and the grain sorghums represented thereby stored in approved warehouses operating under the Uniform Grain Storage Agreement may be subject to liens for warehouse handling and storage charges at not to exceed the Uniform Grain Storage Agreement rates from the date the grain is deposited in the warehouse for storage.

Where the date of deposit (the date of the warehouse receipt if the date of deposit is not shown) on warehouse receipts representing grain sorghums stored in warehouses operating under the Uniform Grain Storage Agreement is on or before March 31, 1957, there shall be deducted in computing the amount of

the loan or purchase price the storage charges per hundredweight as shown in the following table unless written evidence is submitted with the warehouse receipt that all warehouse charges, except receiving and loading out charges have been prepaid through March 31, 1957:

Amount of deduction (cents per hundredweight)	Date of deposit (all dates inclusive)		
	Area I ¹	Areas II, ² III, ³ and IV ⁴	Area V ⁵
28			Prior to May 19, 1956.
27			May 19-May 30, 1956.
26	Prior to May 4, 1956.	May 18-May 29, 1956.	May 31-June 11, 1956.
25	May 4-May 16, 1956.	May 30-June 10, 1956.	June 12-June 23, 1956.
24	May 17-May 29, 1956.	June 11-June 22, 1956.	June 24-July 5, 1956.
23	May 30-June 11, 1956.	June 23-July 4, 1956.	July 6-July 17, 1956.
22	June 12-June 24, 1956.	July 5-July 16, 1956.	July 18-July 29, 1956.
21	June 25-July 7, 1956.	July 17-July 28, 1956.	July 30-Aug. 10, 1956.
20	July 8-July 20, 1956.	July 29-Aug. 9, 1956.	Aug. 11-Aug. 22, 1956.
19	July 21-Aug. 2, 1956.	Aug. 10-Aug. 21, 1956.	Aug. 23-Sept. 3, 1956.
18	Aug. 3-Aug. 15, 1956.	Aug. 22-Sept. 2, 1956.	Sept. 4-Sept. 15, 1956.
17	Aug. 16-Aug. 28, 1956.	Sept. 3-Sept. 14, 1956.	Sept. 16-Sept. 27, 1956.
16	Aug. 29-Sept. 10, 1956.	Sept. 15-Sept. 26, 1956.	Sept. 28-Oct. 9, 1956.
15	Sept. 11-Sept. 23, 1956.	Sept. 27-Oct. 8, 1956.	Oct. 10-Oct. 21, 1956.
14	Sept. 24-Oct. 6, 1956.	Oct. 9-Oct. 20, 1956.	Oct. 22-Nov. 1, 1956.
13	Oct. 7-Oct. 19, 1956.	Oct. 21-Nov. 1, 1956.	Nov. 2-Nov. 12, 1956.
12	Oct. 20-Nov. 1, 1956.	Nov. 2-Nov. 13, 1956.	Nov. 13-Nov. 23, 1956.
11	Nov. 2-Nov. 14, 1956.	Nov. 14-Nov. 25, 1956.	Nov. 24-Dec. 4, 1956.
10	Nov. 15-Nov. 27, 1956.	Nov. 26-Dec. 7, 1956.	Dec. 5-Dec. 15, 1956.
9	Nov. 28-Dec. 10, 1956.	Dec. 8-Dec. 19, 1956.	Dec. 16-Dec. 26, 1956.
8	Dec. 11-Dec. 23, 1956.	Dec. 20-Dec. 31, 1956.	Dec. 27, 1956-Jan. 6, 1957.
7	Dec. 24, 1956-Jan. 5, 1957.	Jan. 1, 1957-Jan. 12, 1957.	Jan. 7-Jan. 17, 1957.
6	Jan. 6-Jan. 18, 1957.	Jan. 13-Jan. 24, 1957.	Jan. 18-Jan. 28, 1957.
5	Jan. 19-Jan. 31, 1957.	Jan. 25-Feb. 5, 1957.	Jan. 29-Feb. 8, 1957.
4	Feb. 1-Feb. 13, 1957.	Feb. 6-Feb. 17, 1957.	Feb. 9-Feb. 19, 1957.
3	Feb. 14-Feb. 26, 1957.	Feb. 18-Mar. 1, 1957.	Feb. 20-Mar. 2, 1957.
2	Feb. 27-Mar. 11, 1957.	Mar. 2-Mar. 13, 1957.	Mar. 3-Mar. 13, 1957.
1	Mar. 12-Mar. 31, 1957.	Mar. 14-Mar. 31, 1957.	Mar. 14-Mar. 31, 1957.

¹ Area I includes: Arizona, California, Idaho, Nevada, Oregon, Utah, Washington.

² Area II includes: Minnesota, Montana, North Dakota, South Dakota (also Superior, Wisconsin).

³ Area III includes: Colorado, Illinois, Iowa, Kansas, Missouri, Nebraska, Wyoming, Wisconsin (except Superior).

⁴ Area IV includes: Arkansas, Connecticut, Delaware, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New Mexico, New York, Ohio, Oklahoma, Pennsylvania, Rhode Island, Texas, Vermont, Virginia, West Virginia.

⁵ Area V includes: Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, Tennessee.

(b) Warehouse receipts and the grain sorghums represented thereby stored in approved warehouses operated by Eastern common carriers may be subject to liens for warehouse elevation (receiving and delivering) and storage charges from the date of deposit at rates approved by the Interstate Commerce Commission. There shall be deducted in computing the loan or purchase price, the amount of the approved tariff rate for storage (not including elevation), which will accumulate from the date of deposit through March 31, 1957 unless written evidence is submitted with the warehouse receipt that the storage charges have been prepaid. The county committee shall request the CSS commodity office to determine the amount of such charges. Where the producer presents evidence showing that elevation charges have been prepaid, the amount of the storage charges to be deducted shall be reduced by the amount of the elevation charges prepaid by the producer.

§ 421.1835 Settlement—(a) Settlement value. (1) (i) In the case of eligible grain sorghums delivered to CCC from farm-storage under the loan program, settlement shall be made at the applicable support rate determined in accordance with §§ 421.1618 (d) and 421.1833. The support rate shall be for the grade and quality of the total quantity of grain sorghums eligible for delivery.

(ii) If, upon delivery, the grain sorghums under farm-storage loans are of a grade or quality for which no support

rate has been established, the settlement value shall be computed at the support rate established for the grade and quality of the grain sorghums placed under loan, less the difference, if any, at the time of delivery, between the market price for the grade and quality placed under loan and the market price of the grain sorghums delivered, as determined by CCC: *Provided, however*, That if such grain sorghums are sold by CCC in order to determine their market price the settlement value shall not be less than such sales price and: *Provided further*, That if upon delivery the grain sorghums contain mercurial compounds or other substances poisonous to man or animals, such grain sorghums shall be sold for seed (in accordance with applicable State seed laws and regulations), fuel, or industrial uses where the end product will not be consumed by man or animals, and the settlement value shall be the same as the sales price, except that if CCC is unable to sell such commodity for the use specified above, the settlement value shall be the market value, if any, as determined by CCC, as of the date of delivery.

(2) Provisions applicable to the pre-delivery inspection of grain sorghums under purchase agreement and the basis for settlement with the producer on grain sorghums delivered to CCC under purchase agreement will be issued as an amendment to this subpart.

(b) Storage deduction for early delivery. No deduction for storage shall be made for farm-stored grain sorghums under loan or purchase agreement authorized to be delivered to CCC prior to

the loan maturity date, except where it is necessary to call the loan through fault or negligence on the part of the producer or where the producer requests early delivery and the county committee approves the early delivery and determines such early delivery is solely for the convenience of the producer. The deduction for storage shall be made in accordance with the schedule of deductions for warehouse charges in § 421.1834.

(c) Refund of prepaid handling charges. In case a warehouseman charges the producer for the receiving or the receiving and loading out charges on grain sorghums under loan or purchase agreement stored in a warehouse under the Uniform Grain Storage Agreement, the producer shall, upon delivery of the grain sorghums to CCC, be reimbursed or given credit by the county office for such prepaid charges in an amount not to exceed the charges authorized under the Uniform Grain Storage Agreement, provided the producer furnishes to the county committee written evidence signed by the warehouseman that such charges have been paid.

(d) Storage payment where CCC is unable to take delivery of grain sorghums stored in other than an approved warehouse under loan or purchase agreement. The producer may be required to retain grain sorghums stored in other than an approved warehouse under loan or purchase agreement for a period of 60 days after the maturity date without any cost to CCC. However, if CCC is unable to take delivery of such grain sorghums within the 60-day period after maturity, the producer shall be paid a storage payment upon delivery of the grain sorghums to CCC: *Provided, however*, That a storage payment shall be paid a producer whose grain sorghums are stored in other than an approved warehouse under purchase agreement only if he has properly given notice of his intention to sell the grain sorghums to CCC and delivery cannot be accepted within the 60-day period after maturity. The period for earning such storage payment shall begin the day following the expiration of the 60-day period after the maturity date and extend through the final date of delivery, or the final date for delivery as specified in the delivery instructions issued to the producer by the county office, whichever is earlier. The storage payment shall be computed at the rate of \$0.00077 per 100 pounds per day in Area I; \$0.00080 per 100 pounds per day in Area II; \$0.00082 per 100 pounds per day in Area III; \$0.00084 per 100 pounds per day in Area IV; and \$0.00087 per 100 pounds per day in Area V for the grain sorghums accepted for delivery or sale to CCC.

(e) Track-loading payment. A track-loading payment of 6 cents per 100 pounds shall be made to the producer on grain sorghums delivered to CCC on track at a country point.

Issued this 12th day of June 1956.

[SEAL] WALTER C. BERGER,
Acting Executive Vice President,
Commodity Credit Corporation.

[P. R. Doc. 56-4758; Filed, June 15, 1956;
8:48 a. m.]

TITLE 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

[P. P. C. 616, Rev.]

PART 301—DOMESTIC QUARANTINE NOTICES

SUBPART—MEDITERRANEAN FRUIT FLY

REVISED ADMINISTRATIVE INSTRUCTIONS EXEMPTING CERTAIN ARTICLES FROM SPECIFIC REQUIREMENTS, INTERPRETATION RE CERTAIN PRODUCTS

Pursuant to the authority conferred on him by the fourth sentence of the Mediterranean fruit fly quarantine (Notice of Quarantine No. 78, 7 CFR 301.78, 21 F. R. 3213), under sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 161, 162), and pursuant to other delegations of authority (19 F. R. 515, as amended) the Chief of the Plant Pest Control Branch hereby issues revised administrative instructions exempting certain regulated articles from the requirements of §§ 301.78-3 (b), 301.78-4 and 301.78-5 of the regulations supplemental to the said notice of quarantine (7 CFR 301.78-3 (b), 301.78-4, 301.78-5; 21 F. R. 3214, 3215), and an interpretation re certain other products, to appear as § 301.78a in Title 7, Code of Federal Regulations, as follows:

§ 301.78a *Administrative instructions exempting certain articles from specified requirements; interpretation re nursery stock, cut flowers, bulbs, etc.* It has been found that facts exist as to the pest risk involved in the movement of the following regulated articles under the regulations in this subpart which make it safe to make less stringent the requirements of the regulations with respect to the movement of such articles from any regulated area, as hereinafter provided. The following articles are hereby exempted from the requirements of §§ 301.78-3 (b), 301.78-4 and 301.78-5:

- (a) *Fruits.* (1) Coconuts.
- (2) Lemons, when picked green and commercially packed.
- (3) Sour limes, when picked green and commercially packed.
- (4) Strawberries, blackberries, and dewberries.
- (b) *Vegetables.* (1) Beans.
- (2) Broccoli.
- (3) Brussels sprouts.
- (4) Cabbage.
- (5) Carrots.
- (6) Cauliflower.
- (7) Celery, when free of soil.
- (8) Corn.
- (9) Gourds.
- (10) Kohlrabi.
- (11) Lettuce, endive (escarole), chikory and other leafy (salad) vegetables.
- (12) Onions.
- (13) Peas, field, English or garden.
- (14) Peppers, chili and cayenne (not including bell peppers).
- (15) Potatoes (Irish).
- (16) Pumpkins.
- (17) Radishes.
- (18) Spinach, collards, mustard and other leafy greens.
- (19) Squash.
- (20) Sweet potatoes.

(21) Tomatoes, green, when commercially packed.

(22) Turnips.

(23) Watermelons.

Nursery stock, without fruit or berries and free of soil; bulbs, corms, tubers, and rhizomes, other than vegetables, when free of soil; and cut flowers; are not considered as being regulated articles within the meaning of the regulations in this subpart.

These revised instructions shall be effective on June 16, 1956, and on that day shall supersede P. P. C. 616, which was effective May 16, 1956 (7 CFR 301.78a, 21 F. R. 3216).

The chief purpose of this revision is to add to the kinds of vegetables that are exempt from the requirements of the Mediterranean fruit fly quarantine and regulations. It has been determined that movement of such vegetables will not result in the spread of the Mediterranean fruit fly and that the restrictions provided by the quarantine and regulations upon such movement are unnecessary. In order to be of maximum benefit to affected shippers, the revised instructions relieving such restrictions should be made effective as soon as possible. Therefore, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003) it is found upon good cause that notice and other public rule making procedure with respect to the revised instructions are impracticable and unnecessary.

Since the instructions relieve restrictions, they are within the exception in section 4 (c) of the Administrative Procedure Act and may properly be made effective less than 30 days after their publication in the FEDERAL REGISTER.

(Sec. 9, 37 Stat. 318; 7 U. S. C. 162. Interprets or applies sec. 8, 37 Stat. 318, as amended; 7 U. S. C. 161)

Done at Washington, D. C., this 13th day of June 1956.

[SEAL]

E. D. BURGESS,
Chief,
Plant Pest Control Branch.

[F. R. Doc. 56-4757; Filed, June 15, 1956; 8:48 a. m.]

Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

PART 801—RULES OF PRACTICE AND PROCEDURE GOVERNING PROCEEDINGS TO ALLOT SUGAR QUOTAS, AND TO DETERMINE PROCESSES AND QUALITIES DISTINGUISHING RAW SUGAR AND DIRECT-CONSUMPTION SUGAR

REVISION OF PART

Basis and purpose. The regulations in §§ 801.1 through 801.20 issued pursuant to the Sugar Act of 1948, as amended, hereinafter referred to as the "act," prescribe the rules of practice and procedure governing proceedings, including the holding of public hearings, for the allotment of sugar quotas or prorations thereof pursuant to section 205 of the

act, and for the issuance of determinations or regulations regarding processes and qualities of sugar pursuant to paragraph (n) of section 101 of the act, which paragraph has been added by section 4 of Public Law 545, 84th Congress, 2d Session.

This amendment of Part 801 extends its provisions to govern the proceedings authorized under section 101 (n) of the act so that the same rules of practice and procedure will apply thereto as apply to proceedings for allotment of quotas under section 205 of the act. This amendment also adds a new subparagraph (1) to § 801.4 (b) so that in accordance with the provisions of that section allotments may be adjusted to reflect changes in quotas that may arise under section 202 (a) (2) of the act through changes in total sugar requirements as determined by the Secretary. Subparagraphs in § 801.4 (b) formerly numbered (1) and (2) are renumbered (2) and (3), respectively. For clarity and convenient reference, the entire part is republished, as revised.

The provisions of section 205 of the Sugar Act of 1948, as amended, indicate that the Secretary's decision establishing allotments of a quota be made upon the record of the hearing involved. In such cases, the Administrative Procedure Act (60 Stat. 237, 5 U. S. C. 1001 et seq.) requires that certain procedures, as set forth therein, be followed with respect to the conduct of the hearing and the issuance of a decision. The rules of practice and procedure set forth in §§ 801.1 to 801.20 are designed to give effect to such required procedures in connection with a proceeding to allot a quota under section 205 of the Sugar Act. No provision is made in paragraph (n) of section 101 of the Sugar Act of 1948, as amended, which requires that the determinations or regulations of the Secretary authorized therein, be made on the record of the hearing involved. However, the rules of practice and procedure set forth in §§ 801.1 to 801.20 at this time seem suitable for making available all pertinent information necessary to assist the Secretary in promulgating the determinations or regulations authorized under paragraph (n) of section 101 of the Sugar Act of 1948, as amended.

Under the provisions of paragraph (n) of section 101 of the act, the Secretary of Agriculture, after notice and hearing, is authorized to make certain determinations which, to be effective, require that regulations setting forth such determinations be promulgated as soon as possible. The proceedings, including notice and hearing, preliminary to the issuance of such regulations cannot be undertaken, however, until rules of practice and procedure governing such proceedings have been established. Accordingly, it is found that the timely exercise of the authority vested in the Secretary by section 4 of Public Law 545, 84th Congress, 2d Session, requires that the rules of practice and procedure contained in §§ 801.1 to 801.20, inclusive, become effective 10 days after publication in the FEDERAL REGISTER.

By virtue of the authority vested in the Secretary of Agriculture by the Sugar Act of 1948, as amended (61 Stat. 922; 65 Stat. 318; Public Law 545, 84th Congress, 2d Session, 7 U. S. C. 1100 et seq.) and in accordance with the Administrative Procedure Act (60 Stat. 237, 5 U. S. C. 1001 et seq.), Part 801 is hereby amended to read as follows:

- Sec.
801.1 Definitions.
801.2 Proceedings which are subject to this part.
801.3 Petitions for institution of proceedings.
801.4 Institution of proceedings.
801.5 Notice of hearing.
801.6 Docket number.
801.7 Presiding officer.
801.8 Motions and requests.
801.9 Conduct of the hearing.
801.10 Arguments and proposed findings and conclusions.
801.11 Certification of the transcript.
801.12 Copies of the transcript.
801.13 Administrator's recommended decision.
801.14 Submission to Secretary.
801.15 Decision by Secretary.
801.16 Hearing before Secretary.
801.17 Final determination or regulation.
801.18 Filing; extension of time; effective date of filing; and computation of time.
801.19 Discussion of issues, etc., of proceedings prohibited.
801.20 Revision or amendment of existing allotments.

AUTHORITY: §§ 801.1 to 801.20 issued under sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interpret or apply sec. 205, 61 Stat. 926, sec. 4, Pub. Law 545, 84th Cong.; 7 U. S. C. 1115.

§ 801.1 Definitions. As used in the regulations in this part:

(a) The term "act" means the Sugar Act of 1948, as amended (61 Stat. 922; 65 Stat. 318; Public Law 545, 84th Congress, 2d Session; 7 U. S. C. 1100 et seq.).

(b) The term "Department" means the United States Department of Agriculture.

(c) The term "Secretary" means the Secretary of Agriculture or any officer or employee of the Department to whom the Secretary has heretofore lawfully delegated, or to whom the Secretary may hereafter lawfully delegate, the authority to act in his stead.

(d) The term "Administrator" means the Administrator of the Commodity Stabilization Service of the Department.

(e) The term "Examiner" means any examiner in the Office of Hearing Examiners, United States Department of Agriculture.

(f) The term "proceeding" means a proceeding before the Secretary, arising under paragraph (n) of section 101, or section 205 of the act.

(g) The term "hearing" means that part of the proceeding which involves the submission of evidence.

(h) The term "presiding officer" means the examiner conducting a proceeding under the act.

(i) The term "Hearing Clerk" means the Hearing Clerk, United States Department of Agriculture, Washington, D. C.

(j) The term "FEDERAL REGISTER" means the publication provided for by the act of July 26, 1935 (49 Stat. 500), and acts supplementary thereto and amendatory thereof.

§ 801.2 Proceedings which are subject to this part. The provisions of this part set forth the rules of practice and procedure applicable to proceedings for the issuance by the Secretary of determinations and regulations, including amendments or revisions thereto, establishing:

(a) The allotment of any sugar quota or proration thereof as provided in section 205 of the act;

(b) The specific processes to which sugars are subjected which are sufficient to meet the requirements of paragraph (n) of section 101 of the act; or

(c) The sugars of specific qualities which are raw sugar within the meaning of paragraph (d), or direct-consumption sugar within the meaning of paragraph (e), of section 101 of the act.

§ 801.3 Petitions for institution of proceedings. Any interested person may petition the Secretary in writing for the issuance, amendment, or repeal of a determination made upon a proceeding which is subject to the provisions of this part. Such petition shall be filed with the Administrator and shall be accompanied by a written statement, in quadruplicate, setting forth the facts and reasons in support thereof. Upon receipt of such petition, the Administrator shall cause such investigation to be made and such consideration thereof to be given as, in his opinion, are warranted. If, after such investigation and consideration, the Administrator concludes that such petition should be denied, he shall give prompt notice of such denial, which shall be accompanied by a brief, simple statement of the reasons for such denial. If, after such investigation and consideration, the Administrator concludes that some action should be taken, he shall recommend that the Secretary institute proceedings.

§ 801.4 Institution of proceedings.

(a) Whenever, pursuant to a petition filed under § 801.3, or on his own initiative, the Secretary (1) finds that the allotment of any quota or proration thereof is necessary to assure an orderly and adequate flow of sugar or liquid sugar in the channels of interstate or foreign commerce, or to prevent disorderly marketing or importation of sugar or liquid sugar, or to afford all interested persons an equitable opportunity to market sugar or liquid sugar; or (2) decides that it is necessary to determine whether specific processes to which sugars are subjected are sufficient to meet the requirements of paragraph (n) of section 101 of the act, or whether sugars of specific qualities are raw sugar within the meaning of paragraph (d), or direct-consumption sugar within the meaning of paragraph (e) of section 101 of the act, he shall institute a proceeding by issuing a notice of hearing.

(b) In any proceeding instituted pursuant to paragraph (a) of this section, for the allotment of a quota or proration thereof, the notice of hearing issued and the hearing held with respect thereto shall, where the notice of hearing so states, constitute the notice of hearing and the hearing upon which the Secretary may revise or amend the allotment of the quota or proration thereof for the purposes of (1) giving effect to any

changes in quota made by the Secretary pursuant to the provisions of section 202 (a) (2) of the act, (2) allotting any additional quota resulting from proration of area deficits, or allotting any deficit in the allotment for any allottee, and (3) substituting revised estimates of data or final actual data for estimates of such data wherever estimates are used in the formulation of an allotment of a quota.

§ 801.5 Notice of hearing—(a) Filing and giving notice. (1) Upon the issuance of a notice of hearing by the Secretary, it shall be filed with the Hearing Clerk, who shall promptly mail a true copy thereof to each of the persons known to be interested in the proceeding. The Hearing Clerk shall give or cause to be given further notice of the hearing in the following manner:

(i) By publication of such notice in the FEDERAL REGISTER; and

(ii) By issuing a press release containing the complete text or a summary of the contents of such notice.

(2) Legal notice of the hearing shall be deemed to be given if notice is given in the manner provided in subparagraph (1) (i) of this paragraph; and failure to give notice in the manner otherwise provided in subparagraph (1) of this paragraph shall not affect the legality of the notice.

(b) **Proof of mailing or of giving notice.** Proof of the mailing of the notice of hearing or of other means of giving notice shall be by affidavit or certificate of the person mailing or giving the same. Such affidavit or certificate shall be filed with the Hearing Clerk and the filing thereof shall be noted on the docket of the proceeding.

(c) **Contents.** The notice of the hearing shall contain a reference to the authority under which the proceeding is proposed; shall define the scope of the hearing as specifically as may be practicable; shall contain either the terms or substance of the proposed determination or regulation, or a description of the subjects and issues involved; and shall state the time and place of such hearing and the place where copies of any proposal may be obtained or examined. The time of the hearing shall not be less than ten days after the date of publication of the notice in the FEDERAL REGISTER, unless the Secretary shall determine that an emergency exists which requires a shorter period of notice, in which case the period of notice shall be that which the Secretary may determine to be reasonable in the circumstances.

§ 801.6 Docket Number. Each proceeding, immediately following its institution, shall be assigned a docket number by the Hearing Clerk, and thereafter the proceeding shall be referred to by such number.

§ 801.7 Presiding officer—(a) Assignment. No presiding officer who has any pecuniary interest in the outcome of a proceeding shall serve as a presiding officer in such proceeding.

(b) **Powers.** Subject to review by the Secretary, as provided elsewhere in this part, the presiding officer shall have power to:

(1) Rule upon motions and requests;

(2) Change the time and place of hearing, and adjourn the hearing from time to time or from place to place;

(3) Administer oaths and affirmations and take affidavits;

(4) Examine and cross-examine witnesses and receive evidence;

(5) Admit or exclude evidence;

(6) Hear oral argument on facts or law;

(7) Hold conferences for the simplification of the issues by consent of the parties;

(8) Do all acts and take all measures necessary for the maintenance of order and the efficient conduct of the proceeding.

(c) *Who may act in absence of presiding officer.* In case of the absence of the presiding officer or his inability to act, the powers and duties to be performed by him under this part may be assigned to any other presiding officer without abatement of the proceeding unless otherwise ordered by the Secretary.

(d) *Disqualification of presiding officer.* The presiding officer may, at any time, withdraw as presiding officer in a proceeding if he deems himself to be disqualified. Upon the filing by an interested person in good faith of a timely and sufficient affidavit of personal bias or disqualification of a presiding officer, the Secretary shall determine the matter as a part of the record and decision in the proceeding, after making such investigation or holding such hearings, or both, as he may deem appropriate in the circumstances.

§ 801.8 *Motions and requests—(a) General.* All motions and requests shall be filed with the Hearing Clerk, except that those made during the course of the hearing may be filed with the presiding officer or may be stated orally and made a part of the transcript. Except as provided in § 801.13, such motions and requests shall be addressed to, and ruled on by, the presiding officer if made prior to his certification of the transcript pursuant to § 801.11 or by the Secretary if made thereafter.

(b) *Certification to Secretary.* The presiding officer may, in his discretion, submit or certify to the Secretary for decision any motion, request, objection, or other question addressed to the presiding officer.

§ 801.9 *Conduct of the hearing—(a) Time and place.* The hearing shall be held at the time and place fixed in the notice of hearing, unless the presiding officer shall have changed the time or place, in which event the presiding officer shall file with the Hearing Clerk a notice of such change, which notice shall be mailed and published in the same manner as hereinbefore provided in § 801.5 (a) (relating to the mailing and the publication of the notice of hearing): *Provided, That, if the change in time or place of hearing is made less than 5 days prior to the date previously fixed for the hearing, the presiding officer, either in addition to or in lieu of causing the notice of the change to be given as aforesaid, shall announce, or cause to be announced, the change at the time and place previously fixed for the hearing.*

(b) *Appearances—(1) Representation—(i) Department.* The Department shall be represented at the hearing by the Director of the Sugar Division, Commodity Stabilization Service, or such employee of that Division as the Director may designate, who shall be heard with respect to matters relevant and material to the proceeding.

(ii) *Interested persons.* At the hearing, any interested person shall be given an opportunity to appear, either in person or through his authorized counsel or representative, and to be heard with respect to matters relevant and material to the proceeding. If such person desires to be heard through his counsel or representative, such person or such counsel or representative shall, before proceeding to testify or otherwise to participate in the hearing, state for the record the authority to act as such counsel or representative, and the names and addresses and occupations of such person and such counsel or representative. Any such person or such counsel or representative shall give such other information respecting his appearance as the presiding officer may request.

(2) *Debarment of counsel or representative.* (i) Whenever, while a proceeding is pending before him, the presiding officer finds that a person, acting as counsel or representative for any interested person participating in the proceeding, is guilty of unethical or unprofessional conduct, the presiding officer may order that such person be precluded from further acting as counsel or representative in such proceeding. An appeal to the Secretary may be taken from any such order, but the proceeding shall not be delayed or suspended pending disposition of the appeal: *Provided, That, the presiding officer may suspend the proceeding for a reasonable time for the purpose of enabling the client to obtain other counsel or other representative.*

(ii) In case the presiding officer has ordered that a person be precluded from further acting as counsel or representative in the proceeding, the presiding officer, within a reasonable time thereafter, shall submit to the Secretary a report of the facts and circumstances surrounding such order and shall recommend what action the Secretary should take respecting the appearance of such person as counsel or representative in other proceedings before the Secretary. Thereafter the Secretary may, after notice and an opportunity for hearing, issue such order, respecting the appearance of such person as counsel or representative in proceedings before the Secretary, as the Secretary finds to be appropriate.

(3) *Failure to appear.* If any interested person, after being duly notified, fails to appear at the hearing, he shall be deemed to have waived the right to be heard in the proceeding. Failure to appear at a hearing shall not be deemed to be a waiver of the right of any interested person otherwise to participate in the proceeding.

(c) *Order of procedure.* (1) At the beginning of the hearing, the presiding officer shall have noted on the record his designation as presiding officer and the notice of the hearing as filed with the

Division of the Federal Register. This shall be done by filing as an exhibit for the record a copy of the FEDERAL REGISTER containing such designation and such notice. If the designation has not been published in the FEDERAL REGISTER, the presiding officer shall file as an exhibit a copy of the order of the Secretary designating him to preside.

(2) Evidence shall then be received with respect to the matters specified in the notice of hearing. Unless the presiding officer determines otherwise, the representative of the Department shall proceed first at the hearing. Such representative shall submit for the record such data and other information available to the Department which he deems relevant and material to the subjects and issues involved in the proceeding. The representative of the Department shall, unless he states for the record that he deems such action impractical, unnecessary, or contrary to the public interest, also present a proposed determination of specific processes or qualities of sugar, or a method or methods of allotment, together with a statement of the facts and reasons in support thereof.

(d) *Evidence—(1) In general.* The hearing shall be publicly conducted and the testimony given at the hearing shall be reported verbatim. Every witness shall, before proceeding to testify, be sworn or make affirmation. Interested persons shall be permitted to present oral and documentary evidence, to submit rebuttal evidence, and to conduct such cross-examination as may be required for a full and true disclosure of the facts. When necessary, in order to prevent undue prolongation of the hearing, the presiding officer may limit the number of times any witness may testify to the same matter, or the amount of corroborative or accumulative evidence. The presiding officer shall, insofar as practicable, exclude evidence which is immaterial, irrelevant, or unduly repetitious or which is not of the sort upon which responsible persons are accustomed to rely.

(2) *Objections.* (i) If a person objects to the admission or rejection of any evidence or to the limitation or the scope of any examination or cross-examination, he shall state briefly the grounds of such objection, whereupon an automatic exception will follow if the objection is over-ruled by the presiding officer. The transcript shall not include argument or debate thereon except as ordered by the presiding officer. The ruling of the presiding officer on any objection shall be a part of the transcript.

(ii) Only objections made before the presiding officer may subsequently be relied upon in the proceeding.

(3) *Proof and authentication of official records or documents.* An official record or document, when admissible for any purpose, shall be admissible as evidence without the production of the person who made or prepared the same. Such record or document shall, in the discretion of the presiding officer, be evidenced by an official publication thereof or by a copy attested by the person having the legal custody thereof and accompanied by a certification that such person has the custody.

(4) *Exhibits.* All written statements, charts, tabulations, or similar data offered in evidence at the hearing shall, after identification by the proponent and upon satisfactory showing of the authenticity, relevancy, and materiality of the contents thereof, be numbered as exhibits and received in evidence and made a part of the record. Such exhibits shall be submitted in quadruplicate and in documentary form. In case the required number of copies is not made available, the presiding officer shall exercise his discretion as to whether said exhibits shall, when practicable, be read in evidence or whether additional copies shall be required to be submitted within a time to be specified by the presiding officer. Where the testimony of a witness refers to a statute, or to a report or document, the presiding officer, after inquiry relating to the identification of such statute, report or document, shall determine whether the same shall be produced at the hearing and physically be made a part of the evidence as an exhibit, or whether it shall be incorporated into the evidence by reference. Where relevant and material matter offered in evidence is embraced in a report or document containing immaterial or irrelevant matter, such immaterial or irrelevant matter shall be excluded and shall be segregated insofar as practicable, subject to the direction of the presiding officer.

(5) *Official notice.* Official notice may be taken of such matters as are judicially noticed by the courts of the United States and of any other matter of technical, scientific, or commercial fact of established character: *Provided*, That the interested persons shall be given adequate notice, at the hearing or subsequent thereto, of matters so noticed and shall be given adequate opportunity to show that such facts are inaccurate or are erroneously noticed.

(6) *Offer of proof.* Whenever evidence is excluded from the record, the person offering such evidence may make an offer of proof, which shall be included in the transcript. The offer of proof shall consist of a brief statement describing the evidence to be offered. If the evidence consists of a brief oral statement or of an exhibit, it shall be inserted into the transcript in toto. In such event, it shall be considered a part of the transcript if the Secretary decides that the presiding officer's ruling in excluding the evidence was erroneous. The presiding officer shall not allow the insertion of such evidence in toto if the taking of such evidence will consume a considerable length of time at the hearing. In the latter event, if the Secretary decides that the presiding officer erred in excluding the evidence and that such error was substantial, the hearing shall be reopened to permit the taking of such evidence.

§ 801.10 *Arguments and proposed findings and conclusions—(a) Oral argument before presiding officer.* Oral argument before the presiding officer shall be in the discretion of the presiding officer. Such argument when permitted may be limited by the presiding officer to an extent that he finds necessary for the expeditious disposition of the proceed-

ing and shall be reduced to writing and made a part of the transcript.

(b) *Briefs, proposed findings, and conclusions.* The presiding officer shall announce at the hearing a reasonable period of time within which interested persons may file with the Hearing Clerk written arguments or briefs, and proposed findings and conclusions, based upon the evidence received at the hearing, citing, where practicable, page or pages of the transcript of the testimony where such evidence appears. Factual material other than that adduced at the hearing or subject to official notice shall not be alluded to therein, and in any case shall not be considered in the formulation of the determination or regulation made pursuant to a proceeding under this part. If the person filing a brief desires the Secretary to consider any objection made by such person to a ruling of the presiding officer, as hereinbefore provided in § 801.9 (d), he shall include in the brief a concise statement concerning each such objection, referring, where practicable, to the pertinent pages of the transcript.

§ 801.11 *Certification of the transcript.* The presiding officer shall notify the Hearing Clerk of the close of the hearing as soon as possible thereafter and of the time for filing written arguments, briefs, proposed findings and proposed conclusions, and shall furnish the Hearing Clerk with such other information as may be necessary. As soon as possible after the hearing, the presiding officer shall transmit to the Hearing Clerk an original and three copies of the transcript of the testimony and the original and all copies of the exhibits not already on file in the office of the Hearing Clerk. He shall attach to the original transcript of testimony his certificate stating that, to the best of his knowledge and belief, the transcript is a true transcript of the testimony given at the hearing except in such particulars as he shall specify; and that the exhibits transmitted are all of the exhibits as introduced at the hearing with such exceptions as he shall specify. A copy of such certificate shall be attached to each of the copies of the transcript of testimony. In accordance with such certificate, the Hearing Clerk shall note upon each copy of the transcript each correction detailed therein by adding or crossing out (but without obscuring the text as originally transcribed) at the appropriate place any words necessary to make the same conform to the correct meaning, as certified by the presiding officer.

§ 801.12 *Copies of the transcript.* A copy of the transcript shall be kept on file in the office of the Hearing Clerk where it shall be available for examination during official hours of business, but such copy shall remain the property of the Department and may not be removed from said office. If a personal copy of the transcript is desired, such copy may be obtained upon written application filed with the reporter and upon payment of fees at the rate (if any) provided in the contract between the reporter and the Secretary.

§ 801.13 *Administrator's recommended decision—(a) Preparation.* As soon as practicable following the termination of the period allowed for the filing of written arguments or briefs and proposed findings and conclusions, the Administrator shall file with the Hearing Clerk a recommended decision.

(b) *Contents.* The Administrator's recommended decision shall include (1) a preliminary statement containing a description of the history of the proceedings, a brief explanation of the material issues of fact, law or discretion presented on the record, and proposed findings and conclusions with respect to such issues as well as the reasons or basis therefor; (2) a ruling upon each proposed finding or conclusion submitted by interested persons; and (3) an appropriate proposed determination or regulation.

(c) *Exceptions to recommended decision.* Immediately following the filing of his recommended decision, the Administrator shall give notice thereof, and opportunity to file exceptions thereto, to all interested persons in the same manner as hereinbefore provided in § 801.5 (a) (relating to the giving of notice of the hearing). Within a period of time specified in such notice (to be fixed by the Administrator but not to exceed ten days) after the filing of the recommended decision with the Hearing Clerk, any interested person may then file with the Hearing Clerk exceptions to the Administrator's recommended decision and supporting reasons for such exceptions. Such exceptions shall be in writing, shall refer, where practicable, to the related pages of the transcript, and may suggest appropriate changes in the proposed determination or regulation.

(d) *Omission of recommended decision.* The procedure provided in this section may be omitted only if the Secretary finds on the basis of the record that due and timely execution of his functions imperatively and unavoidably requires such omission.

§ 801.14 *Submission to Secretary.* Upon the expiration of the period allowed for filing exceptions to the recommended decision, or upon request of the Secretary, the Hearing Clerk shall transmit to the Secretary the Record of the proceeding. Such record shall include (a) all motions and requests filed with the Hearing Clerk and rulings thereon; (b) the certified transcript; (c) any proposed findings or conclusions or written arguments or briefs that may have been filed; and (d) the Administrator's recommended decision, if any, and such exceptions thereto as may have been filed.

§ 801.15 *Decision by Secretary.* After due consideration of the entire record of the proceeding, the Secretary shall render a decision. Such decision shall be based upon and made in accordance with reliable, probative, and substantial evidence adduced at the hearing, and shall include (a) a statement of his findings and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact, law, or discretion presented on the record; (b) a ruling upon each proposed finding and proposed

conclusion not previously ruled upon in the record; (c) a ruling upon each exception filed by interested persons; and (d) a final determination or regulation.

§ 801.16 *Hearing before Secretary.* The Secretary may act in the place and stead of a presiding officer in any proceeding. When he so acts the Hearing Clerk shall transmit the record to the Secretary at the expiration of the period provided for the filing of written arguments or briefs and proposed findings and conclusions, and the Secretary shall thereupon, after due consideration of the entire record, issue his final decision in the proceeding: *Provided*, That he may issue a tentative decision, in which event the parties shall be afforded an opportunity to file exceptions and supporting reasons therefor before the issuance of the final decision.

§ 801.17 *Final determination or regulation—(a) Effective date.* No final determination or regulation shall become effective less than 30 days after its publication in the FEDERAL REGISTER, unless the Secretary, upon good cause found and published with such determination or regulation, fixes an earlier effective date therefor.

(b) *Notice of issuance.* After issuance of a determination or regulation, the same shall be filed with the Hearing Clerk and notice thereof, together with notice of the effective date, shall be given in the same manner as hereinbefore provided in § 801.5 (a) (relating to the giving of notice of hearing).

§ 801.18 *Filing; extension of time; effective date of filing; and computation of time—(a) Filing; number of copies.* Except as provided otherwise herein, all documents or papers required or authorized by the foregoing provisions of this part to be filed with the Hearing Clerk shall be filed in quadruplicate. Any document or paper, so required or authorized to be filed with the Hearing Clerk, shall, during the course of an oral hearing, be filed with the presiding officer.

(b) *Extension of time.* The time for the filing of any document or paper required or authorized by the foregoing provisions of this part to be filed may be extended by the presiding officer (before the record is certified by the presiding officer) or by the Administrator (after the record is so certified by the presiding officer but before it is transmitted to the Secretary), or by the Secretary (after the record is transmitted to the Secretary), upon request filed, and if, in the judgment of the presiding officer, Administrator, or the Secretary, as the case may be, there is good reason for the extension. All rulings made pursuant to this paragraph shall be filed with the Hearing Clerk.

(c) *Effective date of filing.* Any document or paper required or authorized by the foregoing provisions of this part to be filed shall be deemed to be filed when it is postmarked or when it is received by the Hearing Clerk.

(d) *Computation of time.* Sundays and Federal holidays shall be included in computing the time allowed for the filing of any document or paper: *Pro-*

vided, That when such time expires on a Sunday or legal holiday, such period shall be extended to include the next following business day.

§ 801.19 *Discussion of issues, etc., of proceeding prohibited.* Except as may be provided otherwise in this part, no officer or employee of the Department shall, following the close of the hearing in a proceeding and prior to the issuance of the final determination or regulation therein, discuss the issues, merits, or evidence involved in the proceeding with any person interested in the result of the proceeding or with any representative of such persons: *Provided*, That the provisions of this section shall not preclude an officer or employee who has been duly assigned to, or who has supervision over, a proceeding from discussing with interested persons or their representatives matters of procedure in connection with such proceeding. Insofar as the provisions of this section are inconsistent with the provisions of section 448 of the publication entitled "Regulations of the U. S. Department of Agriculture," the provisions of this section shall prevail.

§ 801.20 *Revision or amendment of existing allotments.* The provisions of this part shall be applicable to a proceeding for the purpose of revising or amending any existing allotment determination.

Done at Washington, D. C., this 13th day of June 1956. Witness my hand and the seal of the Department of Agriculture.

[SEAL]

TRUE D. MORSE,
Acting Secretary.[F. R. Doc. 56-4761; Filed, June 15, 1956;
9:02 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Valencia Orange Reg. 73]

PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 922.373 *Valencia Orange Regulation 73—(a) Findings.* (1) Pursuant to Order No. 22 (7 CFR Part 922), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective March 31, 1954, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure,

and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Valencia Orange Administrative Committee held an open meeting on June 14, 1956, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof.

(b) *Order.* (1) The quantity of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., June 17, 1956, and ending at 12:01 a. m., P. s. t., June 24, 1956, is hereby fixed as follows:

- (i) District 1: Unlimited movement;
- (ii) District 2: 831,600 cartons;
- (iii) District 3: Unlimited movement.

(2) Valencia oranges handled pursuant to the provisions of this section shall be subject to any size restrictions applicable thereto which have heretofore been issued on the handling of such oranges and which are effective during the period specified herein.

(3) As used in this section, "handler," "District 1," "District 2," and "District 3," have the same meaning as when used in said order; and "carton" means the standard one-half orange, grapefruit or lemon box set forth as standard container number 58 in section 828.83, as amended, of the Agricultural Code of California.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: June 15, 1956.

[SEAL]

S. R. SMITH,
Director, Fruit and Vegetable
Division, Agricultural Mar-
keting Service.[F. R. Doc. 56-4826; Filed, June 15, 1956;
11:35 a. m.]

[Lemon Reg. 646]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.753 *Lemon Regulation 646—(a) Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 20 F. R. 8451), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on June 13, 1956, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., June 17, 1956, and ending at 12:01 a. m., P. s. t., June 24, 1956, is hereby fixed as follows:

- (i) District 1: Unlimited movement;
 - (ii) District 2: 511,500 cartons;
 - (iii) District 3: Unlimited movement.
- (2) As used in this section, "handled," "District 1," "District 2," and "District 3" have the same meaning as when used in the said amended marketing agreement and order; and "carton" means the standard one-half orange, grapefruit or lemon box set forth as standard container number 58 in section 828.83, as amended, of the Agricultural Code of California.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: June 14, 1956.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable
Division, Agricultural Mar-
keting Service.

[F. R. Doc. 56-4802; Filed, June 15, 1956;
8:49 a. m.]

[Lime Order 1, Amdt. 6]

PART 1001—LIMES GROWN IN FLORIDA

QUALITY AND SIZE REGULATION

Findings. Pursuant to the marketing agreement and Order No. 101 (7 CFR Part 1001; 20 F. R. 4179) regulating the handling of limes grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendations of the Florida Lime Administrative Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of limes, as hereinafter provided, will tend to effectuate the declared policy of the act.

It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than June 17, 1956. Shipments of designated varieties of Florida limes are currently subject to quality regulation pursuant to Lime Order 1, as amended (§ 1001.301; 20 F. R. 4711, 4897, 6676; 21 F. R. 1819, 2650, 3872), and, unless sooner modified or terminated, will continue to be so regulated until May 1, 1957; determinations as to the need for, and extent of, continued regulation of Florida lime shipments must await the development of the crop and the availability of information on the demand for such fruit; the recommendation and supporting information for regulation of

lime shipments subsequent to June 16, 1956, and in the manner herein provided, were promptly submitted to the Department after an open meeting of the Florida Lime Administrative Committee on June 12; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were given an opportunity to submit their views at this meeting; the provisions of this amendment are identical with the aforesaid recommendation of the committee, and information concerning such provisions has been disseminated among handlers of Florida limes; it is necessary, in order to effectuate the declared policy of the act, to make this amendment effective during the period hereinafter set forth; and compliance with this amendment will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

It is, therefore, ordered that the provisions in paragraph (b) of § 1001.301 (Lime Order 1, as amended; 20 F. R. 4711, 4897, 6676; 21 F. R. 1819, 2650, 3872) are hereby amended to read as follows:

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., June 17, 1956, and ending at 12:01 a. m., e. s. t., May 1, 1957, no handler shall handle:

(i) Any limes, including the group known as true limes (also known as Mexican, West Indian, and Key limes and by other synonyms) and the group known as large fruited or Persian limes (including Tahiti, Bearss, and similar varieties), grown in the State of Florida, except the area west of the Suwannee River, unless such limes grade at least U. S. No. 2: *Provided*, That the requirement of such grade that the limes shall have good green color shall be applicable only to limes known as large fruited or Persian limes (including Tahiti, Bearss, and similar varieties).

(ii) Any limes, grown in the State of Florida, except the area west of the Suwannee River, of the group known as large fruited or Persian limes (including Tahiti, Bearss, and similar varieties) which are more than slightly shriveled: *Provided*, That any portion of the tolerance specified in the U. S. No. 2 grade may be used for limes failing to meet this requirement; or

(iii) Any container of limes, grown in the State of Florida, except the area west of the Suwannee River, of the group known as large fruited or Persian limes (including Tahiti, Bearss, and similar varieties) which contains more than five percent, by count, of limes smaller than 1 3/4 inches in diameter ("diameter" to be measured midway at a right angle to a straight line running from the stem to the blossom end of the fruit), unless the limes in such container have an average juice content of not less than 46 percent, by volume.

(2) As used in this section "handler" and "handle" shall have the same meaning as when used in said marketing agreement and order; the term "U. S. No. 2" and "good green color" shall have the same meaning as when used in the United States Standards for Persian

(Tahiti) Limes, as recodified (§ 51.1001 of this title; 18 F. R. 7107); and the term "slightly shriveled" shall mean that the skin of the lime is slightly wrinkled or wilted from loss of moisture.

Effective time. The provisions of this amendment shall become effective at 12:01 a. m., e. s. t., June 17, 1956.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: June 14, 1956.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable
Division, Agricultural Mar-
keting Service.

[F. R. Doc. 56-4803; Filed, June 15, 1956;
8:49 a. m.]

PART 1067—AVOCADOS

IMPORTATION

§ 1067.3 *Avocado Regulation No. 3.*
(a) On and after the effective time of this section, the importation into the United States of any avocados is prohibited unless:

(1) During the period beginning at 12:01 a. m., e. s. t., June 20, 1956, and ending at 12:01 a. m., e. s. t., July 16, 1956, (i) such avocados grade at least No. 2 grade, as defined in § 969.130 (c) of the supplementing rules and regulations, as amended (21 F. R. 2409), effective under the marketing agreement and Order No. 69 (7 CFR Part 969; 20 F. R. 4177) regulating the handling of avocados grown in South Florida, and (ii) the individual fruit in each lot of such avocados weighs at least 12 ounces; *Provided*, That not to exceed 10 percent, by count, of the individual fruit in each lot may weigh less than 12 ounces but not less than 10 ounces, and not to exceed double such tolerance percentage shall be permitted for an individual container in a lot if the entire lot is within the tolerance;

(2) On and after 12:01 a. m., e. s. t., July 16, 1956, (i) such avocados grade at least No. 2 grade, as set forth in subdivision (1) of subparagraph (1) of this paragraph, and (ii) the individual fruit in each lot of such avocados weighs at least 10 ounces; *Provided*, That not to exceed 10 percent, by count, of the individual fruit in each lot may weigh less than 10 ounces but not less than 8 ounces

and not to exceed double such tolerance percentage shall be permitted for an individual container in a lot if the entire lot is within the tolerance.

(3) Each such importation is made in conformance with the general regulations (7 CFR Part 1060; 19 F. R. 7707, 8012) applicable to the importation of listed commodities and the requirements of this section; and

(4) Notwithstanding the provisions of subparagraphs (1) (i) and (2) (i) of this paragraph that all avocados imported must meet the specified weight requirements, any person may import any lot of avocados if (i) the exterior seed coat of the individual fruit is of a brown color characteristic of a mature avocado, or (ii) such avocados, when mature, normally change color to any shade of red or purple and any portion of the skin of the individual fruit has changed to the color normal for that fruit when mature.

(b) Inspection by the Federal or Federal-State Inspection Service, or such other governmental inspection service as may be designated or approved by the Administrator, with appropriate evidence thereof in the form of an official inspection certificate, issued by the respective service, applicable to the particular shipment of avocados, is required on all imports of avocados pursuant to § 1060.3 *Eligible imports* of this chapter.

(c) Inspection certificates shall cover only the quantity of avocados that is being imported at a particular port of entry by a particular importer.

(d) The inspection performed, and certificates issued, by the Federal or Federal-State Inspection Service shall be in accordance with the rules and regulations of the Department governing the inspection and certification of fresh fruits, vegetables, and other products (7 CFR Part 51). The cost of any inspection and certification shall be borne by the applicant therefor.

(e) Each inspection certificate issued with respect to any avocados to be imported into the United States shall set forth, among other things:

- (1) The date and place of inspection;
- (2) The name of the shipper, or applicant;
- (3) The name of the importer (consignee);
- (4) The commodity inspected;
- (5) The quantity of the commodity covered by the certificate;
- (6) The principal identifying marks on the containers;

(7) The railroad car initials and number, the truck and trailer license number, the name of the vessel, or other identification of the shipment; and

(8) The following statement, if the facts warrant: Meets U. S. import re-

quirements under section 8e of the Agricultural Marketing Agreement Act of 1937.

(f) Notwithstanding any other provision of this section, any importation of avocados which, in the aggregate, does not exceed 55 pounds may be imported without regard to the restrictions specified herein.

(g) It is hereby determined, on the basis of the information currently available, that the requirements set forth in this section are comparable to the maturity and quality regulations (Avocado Order 12, 21 F. R. 3307; and Avocado Order 13, 21 F. R. 3488) now in effect for avocados grown in South Florida.

(h) The provisions of Avocado Regulation No. 1, as amended (§ 1067.1; 20 F. R. 3793, 4898), and the provisions of Avocado Regulation No. 2, as amended (§ 1067.2; 20 F. R. 4149, 4461, 4898), are hereby terminated as of the effective date of this section.

(Sec. 401, 68 Stat. 907, as amended; 7 U. S. C. 608e-1)

It is hereby found that it is impracticable and contrary to the public interest to postpone the effective time of this regulation beyond that hereinafter specified (5 U. S. C. 1001 et seq.) because (a) Maturity and quality restrictions governing the shipment of avocados produced in South Florida are now in effect and the requirements of section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), makes such import regulation mandatory; (b) such domestic and import restrictions should become effective at as near the same time as is reasonably practicable; (c) notice that regulation of the imports of avocados was being considered was published in the *FEDERAL REGISTER* (21 F. R. 3328; 3579) and no written data, views, or arguments in connection therewith were received within the prescribed time; (d) compliance with this import regulation will not require any special preparation which cannot be completed by the effective time; (e) notice hereof in excess of three days, the minimum that is prescribed by said section 8e, is given with respect to this import regulation; and (f) such notice is hereby determined, under the circumstances, to be reasonable.

Done at Washington, D. C., this 15th day of June 1956, to become effective at 12:01 a. m., e. s. t., June 20, 1956.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable
Division, Agricultural Mar-
keting Service.

[F. R. Doc. 56-4827; Filed, June 15, 1956;
11:35 a. m.]

¹ Copies of said § 969.130, as amended, may be obtained by writing Mr. William B. Cantrell, c/o Agricultural Attache, American Embassy, Havana, Cuba, or the Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C.

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 29]

TOBACCO INSPECTION

ANNOUNCEMENT OF REFERENDA IN CONNECTION WITH PROPOSED DESIGNATIONS UNDER TOBACCO INSPECTION ACT OF TOBACCO AUCTION MARKETS OF SWAINSBORO, GEORGIA, THOMASVILLE, GEORGIA, AND MADISON, FLORIDA

Pursuant to the provisions of The Tobacco Inspection Act (7 U. S. C. 511 et seq.) and in accordance with the applicable regulations (7 CFR 29.74) issued thereunder by the Secretary, notice is given that referenda of tobacco growers will be conducted from June 21 through June 23, 1956, to determine whether growers favor the designations of the Swainsboro, Georgia, Thomasville, Georgia, and Madison, Florida, tobacco auction markets for free and mandatory inspection of tobacco sold on these markets.

Growers who sold tobacco on the aforesaid markets during the 1955 marketing season shall be eligible to vote in the referendum relevant to the market on which their sales were accomplished. Ballots for use in said referenda will be mailed to all eligible voters insofar as their names and addresses are known. Eligible voters who do not receive ballots by mail may obtain them from the county agent or the office of the county ASC committee at the above points.

All completed ballots shall be mailed to the Tobacco Division, Agricultural Marketing Service, United States Department of Agriculture, P. O. Box 549, Raleigh, North Carolina, and, in order to be counted in said referendum, must be postmarked not later than midnight, June 23, 1956.

Done at Washington, D. C., this 13th day of June 1956.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 56-4747; Filed, June 15, 1956;
8:46 a. m.]

[7 CFR Part 984]

WALNUTS GROWN IN CALIFORNIA, OREGON, AND WASHINGTON

SIZE GRADE SPECIFICATIONS

Notice is hereby given that the Department is considering the issuance of an amendment to the Administrative rules and regulations, as amended (7 CFR 984.401 et seq.; 20 F. R. 6675), heretofore issued pursuant to the provisions of Marketing Agreement No. 105 and Order No. 84, as amended (7 CFR Part 984; 20 F. R. 5387), regulating the handling of walnuts grown in California, Oregon, and Washington. Said marketing agreement and order are effective under the Agricultural

Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

All interested persons who desire to submit written data, views, or arguments for consideration in connection with the proposals should file the same with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., not later than 12 days after publication of this notice in the FEDERAL REGISTER.

The Walnut Control Board, the administrative agency operating the aforesaid agreement and order, at its April 17, 1956, meeting in San Francisco, California, unanimously passed a resolution recommending modifications of the size grade specifications for merchantable unshelled walnuts that are set forth in § 984.402 (a) and § 984.403 (a) of the aforesaid Administrative rules and regulations. Such specifications are effective pursuant to § 984.43.

The Board recommended that the minimum diameter requirements for walnuts of certain size classifications be reduced. The Board's recommendation is based on evidence that there has been a shift in the production of walnut varieties so that the more oval types, particularly the Franquette variety, now comprise a larger percentage of the crop than formerly. A Franquette, or a walnut of similar type, has a greater volume than a shorter walnut of the same diameter. The Board believes that the increase in proportion of Franquette walnuts in the crop justifies the recommended changes. Data covering about 80 to 85 percent of the merchantable walnut production of each of the crops of 1951 through 1955 show that for the Franquette variety about 45 percent graded Large size as compared with 67 percent for all other varieties. These data indicate that about 35 percent of the 1955 production of merchantable walnuts was Franquette variety. The claim that the proportion of the Franquette variety is increasing and that the Placencia, a rounder type variety, is decreasing is substantiated by reports of the California Crop and Livestock Reporting Service which show that the bearing acreage of the Franquette variety increased from 16 percent of the total walnut bearing acreage in 1945 to 26 percent in 1954, and during the same period Placencia bearing acreage decreased from 36 percent of the total bearing acreage to 18 percent. In two of the last three marketing years the percentage of Large size in the merchantable production has approximated 52 percent, compared with the average for 1936-45 of 63 percent. The Board's view is that a reduction in the minimum diameter specification of Large size would result in a higher percentage of Large size walnuts more in line with the historical size-out of the crop.

The proposed reduction in the respective minimum diameter for Medium and Jumbo size walnuts as well as in the maximum diameters for Medium and Baby size walnuts are designed to effect

appropriate conforming changes in the various size grade classifications. Estimates presented at the Board meeting indicated that if the proposed size modifications had been in effect 1955-56 approximately 7 percent more of the merchantable production would have classified as Large size.

Therefore, it is proposed that § 984.402 (a) and § 984.403 (a) of the Administrative rules and regulations, as amended (7 CFR 984.401 et seq.; 20 F. R. 6675), be amended to read respectively, as follows:

§ 984.402 *Pack specifications for merchantable (unshelled) walnuts, including minimum standards of size, quality and maturity; (part I) for walnuts produced in California—(a) Size grade specifications.* To be certified as merchantable, any lot of walnuts must meet the specifications of one of the following size classifications: *Provided*, That any lot of walnuts which the Walnut Control Board finds will be used solely for shelling, and which is subsequently used solely for that purpose, may be certified with respect to size, at the option of the particular handler, without reference to such size classifications, if not over 3 percent, by count, pass through a round opening $\frac{5}{16}$ inch in diameter.

(1) *Mammoth Size.* Walnuts of which not over 12 percent, by count, pass through a round opening $\frac{3}{4}$ inches in diameter.

(2) *Jumbo Size.* Walnuts of which not over 12 percent, by count, pass through a round opening $\frac{7}{8}$ inches in diameter.

(3) *Large Size.* Walnuts of which not over 12 percent, by count, pass through a round opening $\frac{7}{8}$ inches in diameter, except that, for walnuts of the Eureka variety and type, such limiting dimension as to diameter shall be $\frac{7}{8}$ inches.

(4) *Medium Size.* Walnuts of which at least 88 percent, by count, pass through a round opening $\frac{7}{8}$ inches in diameter and of which not over 12 percent, by count, pass through a round opening $\frac{3}{4}$ inches in diameter.

(5) *Standard Size.* Walnuts of which not over 12 percent, by count, pass through a round opening $\frac{3}{4}$ inches in diameter. This size is customarily obtained when lots of walnuts are graded for removal of Baby Size.

(6) *Baby Size.* Walnuts of which at least 88 percent, by count, pass through a round opening $\frac{3}{4}$ inches in diameter and of which not over 10 percent, by count, pass through a round opening $\frac{5}{16}$ inch in diameter.

§ 984.403 *Pack specifications for merchantable (unshelled) walnuts, including minimum standards of size, quality and maturity; (part II) for walnuts produced in Oregon and Washington—(a) Size grade specifications.* To be certified as merchantable, any lot of walnuts must meet the specifications of one of the following size classifications: *Provided*, That any lot of walnuts which the Walnut Control Board finds will be used solely for shelling, and which is subse-

quently used solely for that purpose, may be certified with respect to size, at the option of the particular handler, without reference to such size classifications, if not over 3 percent, by count, pass through a round opening $\frac{9}{64}$ inch in diameter.

(1) *Mammoth Size.* Walnuts of which not over 12 percent, by count, pass through a round opening $\frac{9}{64}$ inches in diameter.

(2) *Jumbo Size.* Walnuts of which not over 12 percent, by count, pass through a round opening $\frac{8}{64}$ inches in diameter.

(3) *Large Size.* Walnuts of which not over 12 percent, by count, pass through a round opening $\frac{7}{64}$ inches in diameter.

(4) *Medium Size.* Walnuts of which at least 88 percent, by count, pass through a round opening $\frac{7}{64}$ inches in diameter and of which not over 12 percent, by count, pass through a round opening $\frac{3}{64}$ inches in diameter.

(5) *Standard Size.* Walnuts of which not over 12 percent, by count, pass through a round opening $\frac{3}{64}$ inches in diameter. This size is customarily obtained when lots of walnuts are graded for removal of Baby Size.

(6) *Baby Size.* Walnuts of which at least 88 percent, by count, pass through a round opening $\frac{3}{64}$ inches in diameter and of which not over 10 percent, by count, pass through a round opening $\frac{9}{64}$ inch in diameter.

Done at Washington, D. C., this 13th day of June 1956.

[SEAL] FLOYD F. HEDLUND,
Acting Director,
Fruit and Vegetable Division.

[F. R. Doc. 56-4756; Filed, June 15, 1956;
8:48 a. m.]

Agricultural Research Service

[9 CFR Parts 114, 118, 119]

VIRUSES, SERUMS, TOXINS, AND ANALOGOUS PRODUCTS, AND CERTAIN ORGANISMS AND VECTORS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given, in accordance with section 4 (a) of the Administrative Procedure Act (5 U. S. C. 1003 (a)), that pursuant to the provisions of the Virus-Serum Toxin Act of March 4, 1913 (21 U. S. C. 151 et seq.), it is proposed to amend §§ 114.2, 118.3 and 119.25 of the regulations relating to viruses, serums, toxins, and analogous products, and to certain organisms and vectors (9 CFR 114.2, 118.3, 119.25, as amended) in the following respects:

1. After the first sentence in § 114.2 (b) a new sentence would be added to read as follows: "An outline with respect to the preparation of hog-cholera virus for inoculating purposes shall also be submitted to the Branch in accordance with § 118.3."

2. Section 118.3 would be amended to read:

§ 118.3 *Virus for inoculating purposes.* (a) Pigs for the production of

inoculating virus at a licensed establishment shall weigh not less than 40 pounds nor more than 125 pounds each and shall be inoculated only with highly virulent hog-cholera virus. Except as provided in paragraph (b) of this section, no hog-cholera virus shall be used for inoculating pigs for the production of inoculating virus, hyperimmunizing virus, or simultaneous virus, or for inoculating pigs in serum or vaccine tests, unless it has been produced, processed, tested and held in the frozen state by a licensee in accordance with an outline acceptable to the Chief. Virus for such use shall be held under Branch lock or seal and shall be released by the inspector as needed for such use.

(b) Hog-cholera virus obtained from the Animal Disease and Parasite Research Branch of the Department, simultaneous virus produced by a licensee and purchased on the open market, and hog-cholera virus from outbreaks on farms which is admitted to a licensed establishment and passed through pigs as provided in § 121.3 of this subchapter, may be prepared thereafter in accordance with an acceptable outline as provided in paragraph (a) of this section and may then be used for the purposes specified in paragraph (a) of this section. The virus produced in the course of passage through pigs inoculated with the virus from such sources, except that needed for further passage to meet the requirements of an outline under paragraph (a) of this section may be used as hyperimmunizing virus, if the pigs so inoculated reacted as prescribed in § 118.4.

(c) Frozen virus for inoculating purposes under paragraph (a) of this section must be held in containers acceptable to the Chief. When glass containers are used, they shall be of borosilicate type of high resistance and low alkalinity, shall meet the tests developed by the Branch for determining these qualities, shall be properly marked for identification, and shall be guaranteed by the manufacturer to be acceptable to the Branch.

3. The heading of § 119.25 would be amended to read: § 119.25 *Preservatives.*

4. Paragraph (c) of § 119.25 would be amended to read:

(c) Phenolization of anti-hog-cholera serum must be accomplished with accuracy, and in a manner which will prevent occurrence of undesirable changes in the product.

5. A new paragraph (d) would be added to § 119.25 to read:

(d) Merthiolate may also be added to anti-hog-cholera serum in a solution in such proportions that the merthiolate will equal a 1-10,000 concentration of the serum recovered gross. Such addition must be compensated for by using a higher concentration of phenol solution as prescribed in this section. The quantity of product obtained by the addition of phenol solution plus the merthiolate shall not exceed the maximum amount permissible by the use of seven and one-half percent phenol solution alone or 83 percent of the defibrinated blood, whichever is less.

6. A new paragraph (e) would be added to § 119.25 to read:

(e) In every case the concentration and quantity of each solution used in preserving the serum shall be recorded by the licensee.

The purposes of the proposed amendments are to improve the procedures in producing, processing, testing, and storing hog-cholera virus used for inoculating purposes in the production of anti-hog-cholera serum and hog-cholera virus and vaccine and to permit the addition of merthiolate to anti-hog-cholera serum as an aid in maintaining the purity of the product.

Any person who wishes to submit written data, views, or arguments concerning the proposed amendments may do so by filing them with the Chief of the Animal Inspection and Quarantine Branch, Agricultural Research Service, U. S. Department of Agriculture, Washington 25, D. C., within thirty days after the date of publication of this notice in the FEDERAL REGISTER.

Done at Washington, D. C., this 12th day of June 1956.

[SEAL] M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F. R. Doc. 56-4748; Filed, June 15, 1956;
8:46 a. m.]

DEPARTMENT OF COMMERCE

Civil Aeronautics Administration

[14 CFR Part 21]

AIRLINE TRANSPORT PILOT RATING

AERONAUTICAL EXPERIENCE

Notice is hereby given that the Administrator contemplates the adoption of the following rules. These rules specify those persons considered to hold the equivalent of a United States Commercial Pilot Rating Certificate.

All interested persons who desire to submit comments and suggestions for consideration in connection with these proposed rules shall send them to the Director, Office of Aviation Safety, Washington 25, D. C., within 30 days after publication of this notice in the FEDERAL REGISTER.

Section 21.16-1 is revised to read as follows:

§ 21.16-1 *Aeronautical experience* (CAA rules which apply to § 21.16). (a) The following shall be considered to hold the equivalent of a United States Commercial Pilot Rating Certificate:

(1) Pilots of the U. S. armed services whose military experience qualifies them for commercial certificates under § 20.55 (b) of this subchapter.

(2) Holders of foreign airline transport pilot or commercial pilot licenses without limitations issued by member states of ICAO.

(b) The holding of the equivalent of a commercial pilot rating shall permit the holder thereof to meet the requirements of § 21.17 (a) (1) through (7) and § 21.18 (b) of this part.

(Sec. 205, 52 Stat. 984, 49 U. S. C. 425. Interpret or apply secs. 601, 602, 52 Stat. 1007, 1008, as amended; 49 U. S. C. 551, 552)

[SEAL]

JAMES T. PYLE,
Acting Administrator
of Civil Aeronautics.

[F. R. Doc. 56-4749; Filed, June 15, 1956;
8:46 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Part 689]

SUGAR MANUFACTURING INDUSTRY IN PUERTO RICO

AMENDED PROCEDURE FOR INDUSTRY COMMITTEE NO. 21

Administrative Order No. 462 dated May 15, 1956 (21 F. R. 3328) appointing Industry Committee No. 21 to investigate conditions and recommend the minimum rate or rates of wages for the sugar manufacturing industry in Puerto Rico directs that the procedure be governed by 29 CFR Part 511, "as revised and pub-

lished in the November 4, 1955, issue of the FEDERAL REGISTER (20 F. R. 8285)". The purpose of the quoted words was to call attention to the fact that substantial amendments to the regulations had been effected on November 4, 1955. These regulations were further amended effective May 30, 1956 (21 F. R. 3678) to require, among other things, that persons wishing to appear as witnesses or parties, file certain documents within 10 days prior to the hearing.

Accordingly, pursuant to authority under the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), and Reorganization Plan No. 6 of 1950 (5 U. S. C. 611), notice is hereby given that the amendments to 29 CFR Part 511 effective May 30, 1956 (21 F. R. 3678) will have application to the procedure of Industry Committee No. 21.

Signed at Washington, D. C., this 12th day of June 1956.

JAMES P. MITCHELL,
Secretary of Labor.

[F. R. Doc. 56-4754; Filed, June 15, 1956;
8:47 a. m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Office of the Secretary

DELEGATION OF AUTHORITY AND ASSIGNMENT OF FUNCTIONS

MISCELLANEOUS AMENDMENTS

Pursuant to the authority contained in R. S. 161 (5 U. S. C. 22) and Reorganization Plan No. 2 of 1953, the Secretary's Order, dated December 24, 1953 (19 F. R. 74), as amended, is further amended as follows:

1. The following paragraph b is added to section 600, Assignment of Functions, Agricultural Conservation Program Service:

b. The conservation practices phase of the conservation reserve program authorized by Title I of the Agricultural Act of 1956, with assistance from Soil Conservation Service, Forest Service, and Commodity Stabilization Service, as otherwise assigned.

2. The following paragraph 1 is added to section 1100, Assignment of Functions, Commodity Stabilization Service:

1. Soil bank program authorized by Title I of the Agricultural Act of 1956, except the responsibility for the conservation practices phase of the conservation reserve program, but including assistance to Agricultural Conservation Program Service in connection with the conservation reserve program.

3. The following paragraph 1 is added to section 300, Assignment of Functions, Forest Service:

1. Assistance to Agricultural Conservation Program Service in connection

with the conservation reserve program under Title I of the Agricultural Act of 1956.

4. The following paragraph f is added to section 400, Assignment of Functions, Soil Conservation Service:

f. Assistance to Agricultural Conservation Program Service in connection with the conservation reserve program under Title I of the Agricultural Act of 1956.

Done at Washington, D. C., this 13th day of June 1956.

[SEAL]

TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 56-4750; Filed, June 15, 1956;
8:48 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

AMERICAN PRESIDENT LINES, LTD., ET AL.

NOTICE OF AGREEMENT FILED WITH THE BOARD FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, 39 Stat. 733, 46 U. S. C. 814.

Agreement No. 8091, between American President Lines, Ltd., The Oceanic Steamship Company, Matson Navigation Company, and Railway Express Agency, Incorporated, covers an arrangement whereby the ocean carriers agree to transport express shipments for the Railway Express Agency in the trade between Los Angeles and San Francisco, California, and the Hawaiian Islands at rates

specified in the agreement. Agreement No. 8091, upon approval, will supersede and cancel the present agreement (No. 7955) between the parties.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

By order of the Federal Maritime Board.

Dated: June 13, 1956.

A. J. WILLIAMS,
Secretary.

[F. R. Doc. 56-4750; Filed, June 15, 1956;
8:46 a. m.]

WARD LINE ET AL.

NOTICE OF AGREEMENTS FILED WITH THE BOARD FOR APPROVAL

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, 39 Stat. 733, 46 U. S. C. 814.

(1) Agreement No. 8092, between Ward Line, A Division of Ward Industries Corporation and Bull Insular Line, Inc., covers the transportation of general cargo under through bills of lading from Mexico to Puerto Rico, with transshipment at New York, Baltimore or Philadelphia. Agreement No. 8092, upon approval, will supersede and cancel approved transshipment agreement No. 7772.

(2) Agreement No. 8093, between Ward Line, A Division of Ward Industries Corporation and Alcoa Steamship Company, Inc., covers the transportation of general cargo under through bills of lading from Mexico to Puerto Rico, with transshipment at New York or Baltimore. Agreement No. 8093, upon approval, will supersede and cancel approved transshipment agreement No. 7983.

(3) Agreement No. 8094, between Ward Line, A Division of Ward Industries Corporation and Bull Insular Line, Inc., covers the transportation of cargo under through bills of lading from Puerto Rico to Mexico, with transshipment at New York, Baltimore or Philadelphia. Agreement No. 8094, upon approval, will supersede and cancel approved transshipment agreement No. 7984.

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

By order of the Federal Maritime Board.

Dated: June 13, 1956.

A. J. WILLIAMS,
Secretary.

[F. R. Doc. 56-4751; Filed, June 15, 1956;
8:47 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-10345, G-9444]

TRANS-PENN TRANSIT CORP. AND MANUFACTURERS LIGHT AND HEAT CO.

APPLICATION, CONSOLIDATION OF PROCEEDINGS, AND DATE OF HEARING

JUNE 12, 1956.

Take notice that Trans-Penn Transit Corporation (Trans-Penn), a Pennsylvania corporation, having its principal place of business at 125 Main Street, Bradford, Pennsylvania, filed on May 3, 1956, an application for a certificate of public convenience and necessity under section 7 of the Natural Gas Act, authorizing it to continue to operate certain natural gas transmission facilities, all as more fully represented in the application in Docket No. G-10345, which is on file with the Commission and open for public inspection.

The facilities, which Trans-Penn alleges it operates under lease, but does not presently own, and for which it seeks authority to continue to operate, are described in the application as follows:

Approximately 54.6 miles of 6-inch pipeline, including 4.1 miles of loop line, extending from a point in the Village of Hyner, Clinton County, Pennsylvania, in a northwesterly direction to a point in the town of Colegrove, McKean County, Pennsylvania, and approximately 54.3 miles of 8-inch pipeline extending from the Wyckoff Meter Station in Hammersley Port, Clinton County, Pennsylvania, in a northwesterly direction to the Lewis Run Meter Station at Lewis Run, McKean County, Pennsylvania. Applicant owns and operates approximately 4.7 miles of 8-inch and 10-inch pipeline extending from a point near Renovo, Pennsylvania, in a northwesterly direction to an interconnection with the aforesaid 6-inch pipeline. Applicant leases the aforesaid 6-inch and 8-inch pipeline facilities and a Compressor Station located in Emporium, Cameron County, Pennsylvania, from the Trustees of The Sixty Trust.

No new facilities are proposed to be constructed in connection with this application.

Trans-Penn's facilities are capable of transporting 22,450 Mcf per day. They are expected to transport a maximum of 21,300 Mcf per day during the winter of 1956-57.

On October 7, 1955, The Manufacturer's Light and Heat Company filed an application and on January 18, 1956, a supplement thereto, Docket No. G-9444, for a certificate of public convenience and necessity under section 7 of the Natural Gas Act for authority to operate its existing Clinton County transmission facilities and to install and operate cer-

tain additional facilities to be attached thereto.

Trans-Penn receives gas from Manufacturers' Clinton County line and transports it about 55 miles to Manufacturers' system in McKean County, Pennsylvania, from which point a portion of the gas is transported by Manufacturers to Home Gas Company for resale in the State of New York.

The application of Manufacturers Light and Heat Company, Docket No. G-9444 was set for hearing on March 15, 1956, after due notice was published in the FEDERAL REGISTER but was recessed on that date subject to further order of the Commission.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on July 17, 1956, at 10:00 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by such applications.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 5, 1956.

[SEAL]

LEON M. FUQUAY,
Secretary.

[F. R. Doc. 56-4755; Filed, June 15, 1956;
8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 54-218]

CENTRAL OHIO LIGHT & POWER CO. ET AL.
SUPPLEMENTAL ORDER RELEASING JURISDICTION OVER FEES AND EXPENSES IN CONNECTION WITH PLAN

JUNE 11, 1956.

In the matter of Central Ohio Light & Power Company, Ohio Power Company, American Gas and Electric Company.

The Commission by order issued herein on December 14, 1954 (Holding Company Act Release No. 12730), having approved a plan filed by American Gas and Electric Company, a registered holding company, and two of its public-utility subsidiary companies, Central Ohio Light & Power Company ("Central Ohio") and Ohio Power Company ("Ohio Power"), pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 ("act"), which plan provided, among other things, for the merger of Central Ohio and Ohio Power and that Ohio Power would pay all fees and expenses in connection with the plan; and

The Commission in said order having reserved jurisdiction over, among other things, the fees and expenses in connection with the plan; the plan having been approved and enforced by order of the United States District Court for the Northern District of Ohio, Western Division, entered January 21, 1955 (Civil No. 7308); the plan having been consummated; and

Ohio Power having requested approval of the payment of and release of jurisdiction over the following fees and expenses incurred in connection with the plan:

	Fees	Expenses	Total
Simpson, Thacher & Bartlett, counsel for Applicants.....	\$21,500.00	\$1,005.38	\$22,505.38
Pomeroy, Burns & Milligan, Ohio, counsel for Applicants.....	2,400.00	487.26	2,887.26
Jones, Day, Cockley & Reavis, counsel for Ohio Power, indenture trustee.....	730.00	4.51	734.51
Costs of printing merger agreement, plan, supplemental indenture, notices, etc.....	4,815.25		4,815.25
Total.....	29,445.25	1,497.15	30,942.40

It appearing that the above claims are on account of services and expenditures necessary in effectuating a section 11 (e) plan, and that the requested fees and expenses are reasonable in amount;

It is ordered, That said fees and expenses be, and they are hereby, approved, and that the jurisdiction heretofore reserved in respect of said fees and expenses be, and it is hereby, released.

By the Commission.

[SEAL]

ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 56-4742; Filed, June 15, 1956;
8:45 a. m.]

[File No. 70-3483]

MICHIGAN WISCONSIN PIPE LINE CO.

NOTICE OF FILING OF APPLICATION REGARDING THE ISSUANCE OF SHORT TERM NOTES TO BANKS

JUNE 11, 1956.

Notice is hereby given that Michigan Wisconsin Pipe Line Company ("Michigan Wisconsin"), a non-utility subsidiary of American Natural Gas Company ("American"), a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("act") and has designated the third sentence of section 6 (b) of the act as applicable to the proposed transactions.

All interested persons are referred to the application on file in the offices of the Commission for a statement of the transactions therein proposed, which are summarized as follows:

Michigan Wisconsin proposes to enter into a Credit Agreement providing for the borrowing from banks at one or more times subsequent to June 30, 1956, of up to \$25,000,000 on notes maturing January 1, 1957. The names of the banks and their respective commitments are as follows:

Name of bank	Amount of commitment
The First National City Bank of New York	\$7,000,000
The Hanover Bank, New York	7,000,000
Mellon National Bank & Trust Co., Pittsburgh, Pa.	7,000,000
National Bank of Detroit	4,000,000
Total	25,000,000

The Credit Agreement will commit the banks to lend to the company from time to time, on and after July 1, 1956, sums aggregating a maximum of \$25,000,000 and will provide that the company shall pay a stand-by charge calculated at the rate of one-fourth of one percent per annum on the average daily unused balance of the commitment from July 1, 1956, until the entire \$25,000,000 shall have been taken down or the Agreement terminates, whichever is earlier. The company may reduce the amount of the commitment at any time without penalty.

The notes issued pursuant to the Credit Agreement will mature January 1, 1957 and will bear interest at the prime rate prevailing at the First National City Bank of New York for commercial loans on the date of each borrowing. The company will have the right to prepay at any time without penalty, in amounts of \$1,000,000 or multiples thereof, notes so issued, except that a prepayment penalty of one-fourth of one percent per annum for the unexpired terms of the notes will apply in case of prepayment from the proceeds of borrowings from banks other than those participating in the Credit Agreement.

Michigan Wisconsin will covenant in the Credit Agreement, among other things, that it will not without prior consent of the banks pay dividends on its common stock in excess of the amount permitted by the company's Mortgage and Deed of Trust; incur other borrowings unless subordinated to the notes issued under the Credit Agreement except first mortgage bonds issued under said mortgage or any mortgage indenture supplementing or replacing the same; or merge or consolidate with or into any other company.

At March 31, 1956, Michigan Wisconsin had outstanding \$14,000,000 of notes to banks due July 1, 1956, issued pursuant to a Credit Agreement dated June 17, 1955. The first borrowing under the proposed Credit Agreement will be on July 1, 1956, and the company will apply the proceeds therefrom, to the extent required, to the retirement of notes issued and then outstanding under the 1955 Credit Agreement.

The proposed borrowings will provide Michigan Wisconsin with funds for the construction of additional facilities, the cost of which, together with normal construction, is estimated to be approximately \$12,500,000. Thus, a total of about \$26,500,000 is required to finance construction this year and retire the presently outstanding bank loans.

The company states that it will file shortly an application regarding the issue and sale, pursuant to the competitive bidding requirements of Rule U-50, of \$25,000,000 principal amount of First Mortgage Bonds, -- percent Series due 1976. To provide sufficient time to carry

out the bond financing and obtain adequate protection against unforeseeable contingencies, the company desires, in its present application, to have authorization to execute the proposed Credit Agreement for a period of six months, with the right of the company at its option and with the approval of the Commission, to renew the notes for a period of six months beyond January 1, 1957. The notes issued under the proposed Credit Agreement will be retired with proceeds from the sale of the new bonds.

The declaration states that no State commission and no Federal commission other than this Commission has jurisdiction over the proposed transactions.

Notice is further given that any person may, not later than June 27, 1956, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said filing which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application as filed or as it may hereafter be amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may grant exemption from its rules as provided in Rules U-20 (a) and U-100 or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DuBois,
Secretary.

[F. R. Doc. 56-4743; Filed, June 15, 1956;
8:45 a. m.]

[File No. 70-3484]

CENTRAL PUBLIC UTILITY CORP.

NOTICE OF FILING REGARDING RENEWAL OF GUARANTY BY PARENT OF SHORT-TERM NOTE OF SUBSIDIARY

JUNE 12, 1956.

Notice is hereby given that Central Public Utility Corporation ("Central"), a registered holding company under the Public Utility Holding Company Act of 1935 ("act"), as to which an application for exemption is pending pursuant to section 3 (a) (5) of the act (File No. 31-626), has filed a declaration designating sections 6 (a) and 7 of the act and Rule U-45 of the general rules and regulations promulgated under the act as applicable thereto, with respect to the following proposed transactions:

By order issued on December 16, 1955 (Holding Company Act Release No. 13066), the Commission authorized Central to lend its credit as guarantor of a short-term promissory note to be issued by its wholly owned subsidiary The Islands Gas and Electric Company ("Islands"), an exempt intermediate holding company; pursuant to which authorization, Islands on December 28, 1955, issued its 90-day promissory note to The Hanover Bank in the principal amount of \$2,000,000, bearing interest

at the rate of 3½ percent per annum and secured by Central's pledge to said bank of a 90-day Time Deposit Open Account in the amount of \$2,000,000 bearing interest at the rate of 2 percent per annum, and by order issued on March 26, 1956, the Commission authorized Central to continue this arrangement for a further 90-day period until June 25, 1956.

Central states that Islands has not yet received the funds with which it had expected to pay the note and that Islands intends to renew such note for an additional period of ninety days from June 25, 1956, in identical amount and on identical terms, the renewal note to be payable by Islands at its election at any time after sixty days without penalty or prepayment charge. Central proposes to guaranty the renewal note and pledge as security the aforesaid Open Account. Central further states Islands expects to pay the renewed note prior to its maturity date.

Declarant represents that no other regulatory commission has jurisdiction over the proposed transactions, and estimates that its expenses in connection therewith will not exceed \$300 including attorney's fees not exceeding \$250.

Notice is further given that any interested person may, not later than June 22, 1956, at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said declaration which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date said declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may grant exemption from its rules as provided in Rules U-20 (a) and U-100, or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DuBois,
Secretary.

[F. R. Doc. 56-4744; Filed, June 15, 1956;
8:45 a. m.]

UNITED STATES TARIFF COMMISSION

[Investigation 54]

CERTAIN COTTON CLOTH

INVESTIGATION INSTITUTED AND PUBLIC HEARING ORDERED

Investigation instituted. Upon application from the Association of Cotton Textile Merchants of New York received June 5, 1956, the United States Tariff Commission instituted an investigation on June 12, 1956, under the authority of section 7 of the Trade Agreements Extension Act of 1951, as amended, and section 332 of the Tariff Act of 1930, to determine whether cotton cloth, printed, dyed, or colored, containing yarns the average number of which exceeds 20 but does not

exceed 50, woven with 2 or more colors or kinds of filling, provided for in paragraph 904 (c) and (d) of the Tariff Act of 1930 is, as a result in whole or in part of the duty or other customs treatment reflecting concessions granted thereon under the General Agreement on Tariffs and Trade, being imported into the United States in such increased quantities, either actual or relative, as to cause or threaten serious injury to the domestic industry producing like or directly competitive products.

Hearing ordered. A public hearing in this investigation was ordered by the Tariff Commission to begin at 10 a. m., e. s. t., on October 23, 1956, in the Hearing Room of the Tariff Commission, Eighth and E Streets, NW., Washington, D. C., at which hearing all interested parties will be given opportunity to be present, to produce evidence, and to be heard.

Requests to appear and testify. Interested parties desiring to appear and give testimony at the hearing should notify the Secretary of the Commission, in writing, at least three days in advance of the date of the hearing.

Inspection of application. The application filed in this case is available for public inspection at the office of the Secretary, United States Tariff Commission, Eighth and E Streets NW., Washington, D. C., and in the New York City office of the Tariff Commission, located in Room 437 of the Custom House, where it may be read and copied by persons interested.

Issued: June 13, 1956.

By order of the Commission.

[SEAL] DONN N. BENT,
Secretary.

[F. R. Doc. 56-4752; Filed, June 15, 1956;
8:47 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

WILLIAM AND ISABELLA COHN

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

William and Isabella Cohn, Oxford, England, Claim No. 62189, Vesting Order No. 18007; \$504.21 in the Treasury of the United States.

Executed at Washington, D. C., on June 6, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-4723; Filed, June 14, 1956;
8:48 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JUNE 13, 1956.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 32202: *Petroleum coke—Lockport, Ill., to Sault Ste. Marie, Mich.* Filed by R. G. Raasch, Agent, for interested rail carriers. Rates on petroleum coke, carloads, from Lockport, Ill., to Sault Ste. Marie, Mich.

Grounds for relief: Circuitous routes. Tariff: Supplement 47 to Agent Raasch's I. C. C. 767.

FSA No. 32203: *Substituted service—Motor-rail-motor, Pennsylvania R. R.* Filed by Motor Carriers Tariff Bureau, Inc., Agent, for interested motor carriers and the Pennsylvania Railroad Company. Rates on various commodities, moving on class and commodity rates loaded in or on highway trailers and transported on railroad flat cars between Chicago, Ill., on the one hand, and Pittsburgh, Pa., on the other.

Grounds for relief: Competition with all-motor truck carriers.

FSA No. 32204: *Import and export rates from and to North Atlantic and Canadian Ports.* Filed jointly by C. W. Boin and O. E. Swenson, Agents, for interested rail carriers. Rates on various commodities, moving on import and export class and commodity rates from New York, N. Y., and other specified North Atlantic and Canadian ports as to import traffic and to such ports as to export traffic to points in official territory as destinations on import traffic and as origins as to export traffic to the ports.

Grounds for relief: Port equalization and circuitry.

Tariffs: Tariff schedules of individual lines and agents listed in exhibit 2 of the application.

FSA No. 32205: *Old whiskey barrels—Kentucky to Official Territory.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on barrels, old whiskey, carloads, from specified points in Kentucky to base points in official (including Illinois), territory, and points grouped therewith, as taking same rates.

Grounds for relief: Short-line distance formula and circuitry.

Tariffs: Supplement 2 to Agent C. W. Boin's I. C. C. A-1099; Supplement 3 to Agent R. G. Raasch's I. C. C. 861.

FSA No. 32206: *Caustic soda—Evans City, Ala., to Official Territory.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on liquid caustic soda, tank-car loads from Evans City, Ala., to specified points in Indiana, New Jersey, New York, Ohio, and Pennsylvania.

Grounds for relief: Short-line distance formula, market competition, and circuitous routes.

Tariffs: Supplement 213 to Agent Spaninger's I. C. C. 1351; Supplement

184 to Agent Spaninger's I. C. C. 1324.

FSA No. 32207: *Furniture and parts—Atlanta, Ga., to Gulf Ports.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on furniture and furniture parts, carloads, from Atlanta, Ga., to New Orleans, La., Gulfport, Miss., Mobile, Ala., and Pensacola, Fla., for export.

Grounds for relief: Circuitous routes. Tariff: Supplement 90 to Agent Spaninger's I. C. C. 1418.

FSA No. 32208: *Petroleum and products—Iowa to Illinois.* Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on petroleum and petroleum products, tank-car loads, from Coralville, Des Moines, Iowa City and Julien, Iowa to specified points in Illinois.

Grounds for relief: Motor truck competition and circuitry.

Tariffs: Agent Prueter's tariff I. C. C. A-4157; Supplement 1 to Agent Prueter's A-4157.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 56-4746; Filed, June 15, 1956;
8:46 a. m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

JUNE 12, 1956.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 32192: *Lumber—Pacific Coast to Lake Charles, La.* Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on lumber and related articles, carloads, from Pacific coast points to Lake Charles, La.

Grounds for relief: Circuitous routes.

Tariff: Supplement 64 to Agent Prueter's I. C. C. 1556.

FSA No. 32193: *Grain and products—St. Louis, Mo., group to Omaha, Nebr.* Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on grain and grain products and related articles, also seeds, carloads from St. Louis, Mo., and East St. Louis, Ill., to Omaha, Nebr.

Grounds for relief: Circuitous routes.

Tariff: Supplement 95 to Agent Prueter's I. C. C. A-3866.

FSA No. 32194: *Gravel—Dickason Pit, Ind., to Moccasin, Ill.* Filed by R. G. Raasch, Agent, for the Chicago & Eastern Illinois Railroad Company. Rates on Gravel, carloads from Dickason Pit, Ind., to Moccasin, Ill.

Grounds for relief: Motor-truck competition from wayside pit.

Tariff: Chicago & Eastern Illinois Railroad tariff I. C. C. No. 144.

FSA No. 32195: *Petroleum and products—Montana to North Dakota.* Filed by the Northern Pacific Railway Company, for itself. Rates on petroleum and petroleum products, carloads, as described in exhibit 1 of the application, from Billings, East Billings, and Laurel,

Mont., to Bolack, Kelly and Mekinock, N. D.

Grounds for relief: Grouping and carrier competition.

Tariff: Supplement 5 to Northern Pacific tariff I. C. C. 9906.

FSA No. 32196: *Sulphuric acid—Delaware and Pennsylvania to Hopewell, Va.* Filed by C. W. Boin, Agent, for interested rail carriers. Rates on sulphuric acid, tank-car loads from North Claymont, Del., and Chester-Marcus Hook, Pa., to Hopewell, Va.

Grounds for relief: Barge competition and circuitous routes.

Tariffs: Supplement 27 to Pennsylvania Railroad I. C. C. 3441; Supplement 211 to Reading Company's I. C. C. 2323.

FSA No. 32197: *Petroleum cresylic acid—Oklahoma and Texas to Missouri and Illinois.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on petroleum cresylic acid, tank-car loads from Tulsa, Okla., Atreco, Big Spring, Chilson, Colorado City, Houston, and Texas City, Tex., to St. Louis, Mo., East St. Louis and Chicago, Ill.

Grounds for relief: Short-line distance formula, market competition, and circuitry.

Tariffs: Supplement 140 to Agent Kratzmeir's I. C. C. 4109; Supplement 199 to Agent Kratzmeir's I. C. C. 4139.

FSA No. 32198: *Carbon dioxide—Luling and Boutte, La., to Memphis, Tenn.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on carbon dioxide, solidified, carloads, from Luling and Boutte, La., to Memphis, Tenn.

Grounds for relief: Circuitous routes. Tariff: Supplement 148 to Agent Kratzmeir's I. C. C. 4087.

FSA No. 32199: *Iron and steel articles—Chicago, Ill., to Michigan City, Ind.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on manufactured iron and steel articles, carloads from Chicago, Ill., to Michigan City, Ind.

Grounds for relief: Circuitous routes. Tariff: Supplement 221 to Agent Hinsch's I. C. C. 3388.

FSA No. 32200: *Malt liquors—New Orleans, La., to New Mexico and Texas.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on malt liquors, viz., ale, beer, beer tonic, porter or stout, carloads from New Orleans, La., to La Cruces, Santa Rose and Tucumcari, N. Mex., and El Paso, Tex.

Grounds for relief: Modified short-line distance formula and circuitry.

Tariff: Supplement 174 to Agent Kratzmeir's I. C. C. 4090.

FSA No. 32201: *Beet pulp—Sidney, Mont., to South Dakota and Minnesota.* Filed by The Northern Pacific Railway

Company, for itself. Rates on beet pulp, carloads, from Sidney, Mont., to specified stations in South Dakota and Minnesota.

Grounds for relief: Circuitous routes and cross-country competition to certain destinations.

Tariff: Supplement 33 to Northern Pacific Railway Tariff I. C. C. 9753.

AGGREGATE-OF-INTERMEDIATES

FSA No. 32191: *Petroleum products—Superior, Wis., to Minnesota.* Filed by The Duluth, Missabe and Iron Range Railway Company for itself and interested rail carriers. Rates on blended gasolines, petroleum distillate, fuel oil, gasoline, except natural gasoline, naphtha and illuminating or burning refined oil, carloads from Superior, Wis., to specified points in Minnesota.

Grounds for relief: Maintenance of depressed rates from and to above described points without observing such rates as factors in constructing combination rates from beyond.

Tariff: Duluth, Missabe and Iron Range Railway Tariff I. C. C. A-133.

By the Commission.

[SEAL]

HAROLD D. MCCOY,
Secretary.

[P. R. Doc. 56-4712; Filed, June 14, 1966; 8:45 a. m.]